

COLUMBUS COUNTY BOARD OF COMMISSIONERS

November 19, 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 third Monday.

COMMISSIONERS PRESENT:

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

APPOINTEES PRESENT:

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

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

At 6:30 P.M., Chairman Jacobs called the November 19, 2007 Regular Session Board Meeting to order. The invocation was delivered by Commissioner Ricky Bullard. Everyone in attendance stood and pledged allegiance to the Flag of the United States of America.

RECOGNITION of FIRST RESPONDERS:

Chairman Jacobs stated the following relative to the anniversary of the tornado in the Riegelwood area:

1. It has been one (1) year ago that a tornado struck the eastern end of Columbus County and took eight (8) lives;
2. The EMS staff, the Sheriff's Department, all Fire and Rescue Departments; all First Responders, Administration Staff and the County Commissioners worked together as a team and handled the situation in the best way possible;
3. Everyone done a great job in their respective areas and any other area where help was needed; **and**
4. I would like to personally thank anyone and everyone that played a role during this devastating time and afterwards.

Commissioner Memory stated the following:

1. There was a very nice monument donated by the Acme Delco Riegelwood Fire Department for the eight (8) victims that lost their lives during the hurricane, and one (1) of these victims was one of their own; **and**
2. The fire and rescue departments do not get thanked enough for what they do.

Agenda Item #4: BOARD MINUTES APPROVAL:

Commissioner Norris made a motion to approve the November 05, 2007 Regular Session Board Meeting Minutes, seconded by Commissioner McKenzie. The motion unanimously carried.

Agenda Item #5: APPOINTMENT of EMS MEDICAL DIRECTOR:

Tony Miller, President of Columbus County Fire and Rescue Association, recommended the appointment of Dr. Phillips as the Columbus County Emergency Services Medical Director. Mr. Miller stated the following:

1. I represent the EMS staff of the Columbus County Fire and Rescue Association;
2. Eight out of the nine (9) departments fully agree with the appointment Dr. Phillips as the Columbus County Medical Director;
3. The other department would go either way; **and**
4. I have talked to Dr. Phillips and he has agreed to provide this service for Columbus County

if the Board should decide to appoint him.

Vice Chairman Prevatte made a motion to take this recommendation, and any other applicant for this position, under consideration and act on this matter at a later date, seconded by Commissioner Norris. The motion unanimously carried.

Agenda Item #6: CRIMINAL JUSTICE PARTNERSHIP PROGRAM - PRESENTATION of ANNUAL DCC REPORT and APPROVAL of REVISED CONTRACT BETWEEN DEPARTMENT of CORRECTIONS and COLUMBUS COUNTY:

Katherine Horne, Chairman of the Criminal Justice Partnership Program, presented the following Annual DCC Report for Judicial District 13, and requested Board approval of the **revised** contract for an additional two thousand and 00/100 (\$2,000.00) dollars of funding.. Ms. Horne stated the following:

1. Total Supervised Population for Columbus County - slight increase in 2006-2007;
2. Probation/Dual Population for Columbus County - slight increase in 2006-2007;
3. Parole/Post Release Population for Columbus County - slight increase in 2006-2007;
4. AOC-FMS Monies Collected in Columbus County - \$322,732.35, which is lower than Brunswick County for the first time;
5. Most frequently committed criminal offenses:
 - Felon - Drugs-Non-Traffic, Larceny, Breaking and Entering, Assault and Fraud
 - Misdemeanor - Other Traffic Violations, Assault, Driving While Impaired, Drugs-Non-Traffic and Larceny;
6. Offenders with a history of substance abuse are required to submit to drug screening by the court or Parole Commission for illegal use of controlled substances; **and**
7. One (1) of our local employees was named District 13 Officer of the Year, Intermediate Probation Parole Office David Carter;
8. Mr. Carter received this recognition for his many attributes and his tireless assistance during the tornado in the Riegelwood area one (1) year ago;
9. There will be an award ceremony in two (2) weeks in Raleigh at which David Carter will be recognized for his service; **and**
10. Cindy Jacobs, Community Service Coordinator, will be recognized in Raleigh for her diligent work during the Riegelwood tornado.

Vice Chairman Prevatte made a motion to approve the **revised** Standard Grant Award Contract and Conditions (Implementation and Discretionary Funds), for an additional two thousand and 00/100 (\$2,000.00) dollars, seconded by Commissioner Memory. The motion unanimously carried. This document will be marked as Exhibit "A" and kept on file in the Minute Book Attachments, Book Number 2, in the Clerk to the Board's Office for review.

Agenda Item #7: AIRPORT - APPROVAL of GRANT AGREEMENT for RURAL AIRPORT DEVELOPMENT PROJECT 36244.18.3.1 FUEL FARM:

Phil Edwards, Manager of the Columbus County Airport, requested Board approval of a Grant Agreement for Rural Airport Development, Project 36244.18.3.1 Fuel Farm, by the following Resolution, in the amount of two hundred thousand and 00/100 (\$200,000.00) dollars, with an amount equal to or greater than five (5%) percent of the total estimated project cost appropriated by the County.

RESOLUTION

A motion was made by Commissioner Amon E. McKenzie, and seconded by Commissioner Lynwood Norris for the adoption of the following resolution, and upon being put to a vote was duly accepted:

WHEREAS, a Grant in the amount of \$200,000 has been approved by the Department based on total estimated cost of \$210,526; **and**

WHEREAS, an amount equal to or greater than five (5%) percent of the total estimated project cost has been appropriated by the Sponsor for this Project.

NOW, THEREFORE, BE AND IT IS RESOLVED that the Chairman of the sponsor be

and he hereby is authorized and empowered to enter into a Grant Agreement with the Department, thereby binding the Sponsor to the fulfillment of its obligation incurred under this Grant Agreement or any mutually agreed upon modification thereof.

I, June B. Hall, Clerk to the Board of the Columbus County Board of Commissioners, do hereby certify that the above is a true and correct copy of an excerpt from the minutes of the Columbus County Board of Commissioners of a meeting duly and regularly held on the 19th day of November, 2007.

This the 20th day of November, 2007.

SPONSOR SEAL

Signed: /s/ **JUNE B. HALL**

Title: Clerk

Of The: **Columbus County Board of Commissioners**

Commissioner McKenzie made a motion to approve the Grant Agreement for Rural Airport Development, Project 36244.18.3.1 Fuel Farm, by Resolution, in the amount of two hundred thousand and 00/100 (\$200,000.00) dollars, with an amount equal to or greater than five (5%) percent of the total estimated project cost appropriated by the County, seconded by Commissioner Norris. The motion unanimously carried. A copy of the Rural Airport Development Grant Agreement will be marked as Exhibit "B" and kept on file in the Minute Book Attachments, Book Number 2, in the Clerk to the Board's Office for review.

Agenda Item #8: SOCIAL SERVICES BOARD - REIMBURSEMENT for MOVING EXPENSES:

Ruth Storms, Chairman of the Social Services Board, requested Board approval of the reimbursement of Linda Fry's, Social Services Director, moving expenses. Ms. Storms stated the following:

1. The Social Services Board hired a South Carolina person as the Director of Social Services;
2. We, as a Board, think it is important to pay for the moving expenses that were incurred by Ms. Fry; **and**
3. I would like to recommend that you consider redoing the existing policies to include the reimbursement expenses for management staff.

Commissioner Gore, a sitting member of the Social Services Board, stated the following:

1. It is a great pleasure to work with Ms. Fry as the Director of Social Services;
2. The Social Services Board never promised Ms. Fry any money for moving expenses;
3. I think this would be an important gesture for us to make to her and in attracting management positions;
4. The moving expenses incurred by Ms. Fry are approximately two thousand five hundred and 00/100 (\$2,500.00) dollars;
5. The salary paid to Ms. Fry is fifty (50%) percent State money and fifty (50%) percent County money;
6. It is my recommendation that we, as a Board, reimburse Ms. Fry for one-half of her moving expenses which would equate to one thousand, two hundred fifty, and 00/100 (\$1,250.00) dollars; **and**
7. It is also my recommendation that this money be taken from the ten (10%) percent salary reduction in the County Commissioners' salary.

Vice Chairman Prevatte stated that his portion of the ten (10%) percent reduction in salary has been designated to go to Fund Balance.

Commissioner Memory stated he recommended that moving expenses should be included in the discussion when hiring management positions.

After further discussion of this matter, Commissioner Gore made a motion to reimburse Linda Fry, Social Services Director, the amount of, and not to exceed, one thousand, two hundred fifty and 00/100 (\$1,250.00) dollars for one-half (½) of her moving expenses, seconded by Commissioner Memory. The motion unanimously carried.

Agenda Item #9: PUBLIC TRANSPORTATION - ESTABLISHMENT of PUBLIC HEARING:

Charles Patton, Director of Columbus County Transportation, requested the Board to establish December 3, 2007 as the date for a public hearing for the Public Transportation funding. Mr. Patton stated the following:

1. This is the annual funding we receive each year; **and**
2. The State requires a Public Hearing to be held.

Commissioner McKenzie made a motion to establish December 03, 2007, at 6:30 P.M., as the date and time for a Public Hearing to be held for the Columbus County Public Transportation funding, seconded by Vice Chairman Prevatte. The motion unanimously carried.

Agenda Item #10: INTERLOCAL SEWER AGREEMENT by and BETWEEN the TOWNS of FAIRMONT, BOARDMAN, CERRO GORDO, FAIR BLUFF and COLUMBUS COUNTY:

Commissioner Memory is requesting Board discussion. Commissioner Memory stated the following:

1. This matter has been in discussion for a prolonged period of time;
2. We need to come to some type of agreement to finalize the details; **and**
3. We have Al Leonard, Consultant for the Towns of Boardman, Cerro Gordo and Fair Bluff, Mayor Randy Williamson, Boardman, Mayor Sonny Hammond, Cerro Gordo, Mayor Randy Britt, Fair Bluff, and Manager Blake Proctor, Fairmont, here tonight to be a part of this discussion.

Al Leonard stated the following:

1. I will update the Board on the progress of the Interlocal Agreement;
2. The last time I was here we talked about the project, what we call the Western Columbus Sewer Project;
3. At that time, it was very clear there were two (2) major concerns with this project as it related to Columbus County Government;
4. The number one concern was the money and it was made very clear to us that this could not run the risk of being a money loser for Columbus County Government, and that was not an option;
5. The second major body of concern at that meeting was the contract itself, and there appeared to be some discrepancies, or inconsistencies, in those documents;
6. We left that meeting with the understanding that we had to correct those two (2) areas of concern the finances and the contract;
7. The next day I spoke with the County Manager and he asked me to do two (2) things as follows:
 - A. Work on the finances with Leo Hunt and try to get to the bottom of that; and
 - B. Work on the contract with the County Attorney and try to resolve as many of those issues as I could;
8. At this meeting, I will be reporting back to the Board as to the progress that has been made;
9. We have worked very cooperatively with Mr. Hunt, and he is sharp on finances;
10. Mr. Hunt and I worked on basically two (2) things in regards to finances which are:
 - A. Revenue projections are going to be close to being accurate; and
 - B. Expenditures;
11. Mr. Hunt contacted me approximately four (4) weeks ago and said that his recommendation to you is that the rates quoted in the Interlocal Agreement about two (2) years ago needed to be increased by ten (\$.10) cents per thousand (1,000) gallons;
12. Whereby, Boardman and Cerro Gordo would pay the County two and 60/100 (\$2.60) dollars per one thousand (1,000) gallons for maintenance of the system;
13. The Town of Fair Bluff would pay forty-five (\$.45) cents per one thousand (1,000) gallons for pass-through cost;
14. These are numbers I have represented to the Councils of Boardman, Cerro Gordo and Fair Bluff;
15. Although, their Councils have not voted on these numbers, we believe these are reasonable numbers, and our initial review is that we accept Mr. Hunt's calculations;
16. The other thing we did in regards to finances is to change the annual review of the rates to a semi-annual review of the rates;

17. In regards to the contract, I did have an initial meeting with Steve Fowler, Columbus County Attorney, and I feel that was a very productive initial meeting;
18. After the initial meeting, Mr. Fowler represented to me and the municipalities that it was not legally appropriate for the County Attorney to meet with municipal staff, that it needed to be an attorney and attorney dialogue;
19. I accept that and I understand that, although I would like to stress that there needs to be a practitioner involved in putting the draft contract together;
20. I have three (3) areas of concern with the draft Agreement, which are as follows:
 - A. **Page 17, Article XVI Termination:**
The new language added reads as follows “This Agreement may be terminated at any time by any party provided that written notice of such termination is furnished to the other parties at least one hundred eighty (180) days prior to termination”, which would need a practitioner present in the discussions to determine if this is reasonable for the parties concerned;
 - B. **Page 19, Article XXII Approval and Governing Law:**
The original language states the Agreement will be forwarded to the North Carolina Local Government Commission for review, and the new language on the table reads as follows “This Agreement will be forwarded to the North Carolina Local Government Commission within thirty (30) days of signature by the Chairman of the Columbus County Board of Commissioners for review and written approval by the North Carolina Local Government Commission. Such written approval by the North Carolina Local Government Commission will be retained or recorded with Columbus County Clerk to the Board of Commissioners and each respective town clerk., I am sure there is a legal reason for this, and I don’t question that, but, I say as a layman to you, I called the School of Government and talked with the attorney there and asked why we would need Local Government Commission approval, and his answer was, we would not. There is no money being borrowed here, and the statute says you do not need LGC approval if you are not pledging you taxing authority. So, the question would be, are you pledging your taxing authority to make this thing fly.
 - C. **Page 8, Article II Financing and Construction of Necessary Facilities:**
The following language was in the original Agreement, “Nothing in this Agreement is to be construed as requiring any of the parties hereto to pledge the general taxing power of a party for construction of facilities contemplated under this Agreement. The layman in each of us would say the LGC may need to review it, but legally, they do not have to approve it.
21. The question that needs to be answered is, where are we at tonight;
22. In working with your County Manager, we have two (2) suggestions to the Board which are:
 - A. There is an existing Agreement that’s been out there for a couple of years, and we would respectfully ask of the Commissioners that you consider amending that Agreement to cover the finances;
 1. The amended finances would increase the rates by ten (\$.10) cents; and
 2. The rates would be reviewed every six (6) months;
 - B. Appoint a working committee comprised of as many Commissioners as you need, your County staff, utility finance otherwise attorney, to work with the delegation from the municipalities, to have the authority to draft a new Agreement or to amend the existing Agreement, but give that group the power to make the changes to get it on your table; **and**
23. I believe that we can make this work, and we are very close to making it work for all the parties concerned.

Commissioner Memory stated we have received a memorandum from Mr. Hunt that states the pump station at Boardman is now complete, however the contractor can not be compensated until such is in operation and a final inspection is made, and I would like to know if this is correct. Al Leonard replied stating the following:

1. Boardman sewer system, in essence, is in the ground;
2. The electric bill for the big pump station should be in the name of Columbus County;
3. We would by paying you to pay that bill. Several weeks ago, we were asked to have the electricity turned on to the pump stations;
4. I called Brunswick Electric on behalf of the Town of Boardman to have that electricity turned on;
5. Mr. Sellers could not make that call and I respect him for that;
6. That pump station does not have electricity to it today, it can not be tested, therefore they can not test the system, and until the system is tested, the contractor can not be paid;

7. I called the contractor last week and his final payment is two hundred, sixty-five thousand and 00/100 (\$265,000.00) dollars, and they have been waiting on this payment since August, 2007; **and**
8. There is that level of urgency in getting things squared away with the Boardman system.

Commissioner McKenzie asked Mr. Leonard if the payment for two hundred, sixty-five thousand and 00/100 (\$265,000.00) dollars was coming from the project itself. Mr. Leonard replied stating the money was coming from the CDBG grant.

MOTION:

Commissioner Bullard stated he was going to make a two-part motion as follows:
First Part: To allow the electricity to be turned on to the pump station at Boardman, seconded by Commissioner Norris.

Commissioner Memory stated the Mayors of Boardman, Fair Bluff, Cerro Gordo and the Fairmont Town Manager were here tonight, and I would like to ask these gentlemen if they all agree to the six (6) month review of the rates as has been recommended. Randy Britt, Mayor of Fair Bluff, stated he respected the diligence the Board was taking on this Agreement, and he did not have any problem with the six (6) month review of the rates, and I do not believe any of the other gentlemen has a problem with this. We all agree this should not cost the taxpayers of Columbus County any money.

The motion passed unanimously.

Second Part: To waive the Attorney-Client Privilege with the attorney, so he can get with Al Leonard and let's work this contract out diligently and as soon as possible, and for the contract to come back to the Board for approval. Commissioner Memory stated he would second the motion if it included the following, "as to the Western End Sewer", and just to that.

Blake Proctor, Town Manager of Fairmont, stated he did not have a dog in the fight, but being the receptor of this, he would like to be included in the discussions.

After a discussion was conducted relative to the time frame when the amended Agreement would be brought back to the Board, it was the general consensus of the Board for it to be at the next meeting or the first meeting in January.

Vice Chairman Prevatte asked Commissioner Bullard if he would amend his motion to include Leo Hunt, Interim County Manager, and Blake Proctor, Manager of Fairmont, in the discussions. Commissioner Bullard stated he would agree to amend his motion as follows:

Amended Motion: To waive the Attorney-Client Privilege with the attorney, as to the Western End Sewer Agreement, so he can get with Al Leonard, Leo Hunt, Interim County Manager, and Blake Proctor, Manager of Fairmont, and let's work this contract out diligently and as soon as possible, and for the contract to come back to the Board for approval. The motion was seconded by Commissioner Norris, and passed unanimously.

Agenda Item #11: MASTER DECLARATION & DEVELOPMENT PLAN for COLUMBUS COUNTY SUBDIVISIONS - PRESENTATION for DISCUSSION:

Lacy Wilson, Chairman of the Planning Board, presented the following latest version of the Master Declaration & Development Plan for Columbus County Subdivisions for discussion.

**MASTER DECLARATION & DEVELOPMENT PLAN
 FOR COLUMBUS COUNTY SUBDIVISIONS
 DRAFT
 SEPTEMBER 20, 2007**

THIS IS A WORKING DRAFT AND SHOULD NOT BE CONSIDERED AN OFFICIAL FINAL DOCUMENT. IT IS SUBJECT TO REVIEW AND APPROVAL BY THE PLANNING BOARD AND THEN REVIEW AND APPROVAL BY THE COLUMBUS COUNTY BOARD OF COMMISSIONERS

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PURPOSE

The purpose of this ordinance is to establish procedures and standards for the orderly growth and development of Columbus County.

AREA GOVERNED

These regulations shall govern the establishment of each and every new subdivision and the alteration or expansion of existing subdivisions lying within the jurisdiction of Columbus County and which is not governed by a municipality within Columbus County.

AUTHORITY

Columbus County hereby exercises its authority to adopt and enforce a **Subdivision Ordinance** pursuant to the authority granted to Columbus County by Chapter 153A, Article Six of the General Statutes of North Carolina.

DEFINITIONS

Subdivision: Subdivision is the act of dividing land into pieces that are easier to sell or otherwise develop, usually via a preliminary plat, for the purpose of sale either immediate or future. The former single piece as a whole is then known as a subdivision.

(NOTE): A subdivision can have stick built homes, and or manufactured homes, if addressed by developer before any lots are sold. Restrictive Covenants will apply.

(NOTE): Land divided into more than eight (8) lots where private streets are constructed shall be considered a subdivision by Columbus County standards.

(NOTE): Lots divided along a public road will not be considered a subdivision.

Columbus County Health Department: Health Director or his/her designated agent(s).

Cul-de-sac: A street with only one (1) end to traffic and the other end being permanently terminated and a vehicular turnaround provided for the safe and convenient reversal of traffic movement. Length is measured from the center point of the turnaround to the centerline of the connecting non-cul-de-sac street.

Developer: Any person, firm, trust, partnership, association or corporation engaged in development or proposed development of a subdivision, as defined herein.

Easement: The right to use another person's property, but only for a limited and specifically named purpose, the owner generally continues to make use of such land since he/she has given up only certain and not all ownership rights.

Sanitary Sewage System: A complete system of sewage collection, treatment and disposal, including approved privies, septic tank systems, connection to public or community sewage systems, incinerators, mechanical toilets, composting toilets, recycling toilets, mechanical aeration systems or other such systems.

Public Street: A dedicated and accepted public right-of-way which affords access to abutting property and meets the standards of this **Ordinance** and the most recent North Carolina Department of Transportation's minimum construction standards for subdivision roads.

Public Water Supply: Any water supply furnishing potable water to fifteen (15) connections or combinations of twenty-five (25) residences or businesses so approved and designated by the

appropriate agent of the State of North Carolina. This definition is not to be inferred as limited to publicly owned or operated systems, as such systems may be owned and operated by either public or private enterprise.

Septic Tank System: A subsurface sanitary sewage system consisting of a settling tank and a subsurface disposal field and other appurtenances required for proper collection, distribution, treatment, disposal, operation and performance.

Setbacks: The distance between a structure and the space or boundary line

Surveyor: A qualified land surveyor or engineer registered and currently licensed to practice surveying in the State of North Carolina.

Board Designate: An agent(cies) and/or representative appointed by the Board of County Commissioners to represent their interest and act on their behalf.

Board of County Commissioners: Governing body for the County of Columbus with equal representation from all districts.

PROCEDURE FOR SECURING APPROVAL OF SUBDIVISIONS

Approval Required

Subdivisions, as permissible uses, may be established upon the approval of the Board of County Commissioners or their Designate. The Board of County Commissioners or their Designate shall have approval authority of such subdivisions.

Subdivision Plan Submission

1. Prior to the construction of a subdivision or the expansion of an existing subdivision, the developer shall submit a subdivision plan to the Columbus County Administrator. Five (5) copies of the proposed subdivision plan must be received at least thirty (30) days prior to a regularly scheduled meeting of the Columbus County Board of Commissioners if the plans are to be reviewed by the Board at that time. New subdivisions or the expansion of an existing subdivision will have to be approved by the Board of County Commissioners or their designate.
2. All plans shall be prepared by a registered land surveyor currently licensed and registered in the State of North Carolina, or the owner or his/her authorized agent and shall be drawn legibly at a scale of one hundred (100') feet one (1") inch, or larger, and shall include the following plan requirements:
 - a. Name of the subdivision, developer, scale and date;
 - b. Vicinity Map, sketch showing subdivision and surrounding area;
 - c. The location of existing property line, drainage easements and public utility easements;
 - d. The outside boundaries of the tract of land on which the subdivision will be built and approximate bearings and distances of each line;
 - e. Proposed lots (well defined), indicating accurate dimensions;
 - f. All existing structures;
 - g. Water distribution system which will connect to County system, if applicable (should be designed to minimum County standards and submitted for review);
 - h. Surface and/or subsurface drainage plan;
 - I. Classification of the property;
 - j. Acreage in the total tract;
 - k. Flood plain information, if necessary;
 - l. Adjoining property owners;
 - m. Sign location, setback and dimensions;
 - n. Title, date, graphic scale, north arrow;
 - o. Sedimentation control plan information in accordance with North Carolina State Law;
 - p. Uses on adjacent properties; (If Known)
 - q. The location and dimensions of present and proposed streets as well as adjacent highways;
 - r. Method of garbage disposal;
 - s. Water/Utility systems (If Necessary)

***** WITH RESPECT TO THE PRECEDING REQUIREMENTS, ITEMS (F G H I K M O P R S) CAN BE PRESENTED ON A SEPARATE ADDENDUM AND DOES NOT HAVE TO BE PLACED ON THE PLAT*****

Review of the Proposed Plan

The County Planning Board shall review the proposed subdivision plan and forward the plan to the County Manager after approval from the Planning Board. The County Manager shall also forward a copy of the proposed plan to the Columbus County Health Department and all other appropriate agencies for review and comments. Following the evaluation period, a review meeting shall be set with the applicant and appropriate agencies, not less than thirty (30) days prior to a regular scheduled Board of County Commissioners' meeting to discuss the plan. If deficiencies are found with the plan, the plan will then be returned to the developer for correction. If the Board of County Commissioners or their Designate determines no inconsistencies with applicable regulations, the County Manager shall then ask for the plan to be approved. The matter will not be heard before the County Commissioners until all requirements are met and approved.

1. The County Manager shall determine if the proposed plan is in accordance with the design standards set forth in the **Ordinance**, including, but not limited to the following:
 - a. Title information;
 - b. Location map;
 - c. Recreation areas;
 - d. Street and lot design;
 - e. Surface water drainage;
 - f. Columbus County Health Department's report;
2. The Columbus County Health Department shall review the proposed plan to determine if the plan is in accordance with the minimum health standards and regulations as follows:
 - a. Source of water and water distribution system;
 - b. Septic tank permits must be obtained before the sale of any lot is completed
 - c. Each well located so as to provide a minimum pollution-free radius as specified in Title 15A, Subchapter 18C, Section .0203 of the North Carolina Administrative Code.
3. Each agency's review shall be completed within a reasonable time. Should any agency find deficiencies in the proposed plan, the developer or his/her agent shall be notified by the County Manager to correct such deficiencies in the plan. Each agency shall notify the County Manager after reviewing the proposed plan and shall provide a written statement of approval or disapproval. If disapproved, the reasons therefore shall be stated.
4. If any permitting agency should disapprove the proposed plan, the reasons for such action and recommended changes shall be given to the developer or his/her agent.

Plan Approval

1. Plan Review; Procedure by the Board of County Commissioners or Their Designate:

The Columbus County Board of Commissioners or their Designate shall make a decision on a final plan approval based on all required final agency reviews and other available pertinent information.

2. Notification of Final Approval:

After receiving approval of the plan from the Board of County Commissioners or their Designate, Health Department and other relevant County agencies, the County Administrator is authorized to write a letter of approval to the developer. The County Administrator shall notify the owner as shown on the plan of this approval within ten (10) days of the action. Lots can only be sold after all requirements have been met, all proper permits have been obtained and an issuance of a certificate of compliance has been completed.

3. Issuance of a Certificate of Compliance:

- A. After receiving approval of the plan by the Board of County Commissioners or their

Designate, the Health Department and the County Inspections Department, the County Administrator's office is authorized to issue a compliance permit.

- B. When a subdivision is to be developed in stages, the proposed plan may be submitted for the entire development or application for a Certificate of Compliance may be made for each stage developed.

4. **Variances:**

Where strict adherence to the provisions of the **Ordinance** would cause an unnecessary hardship because of topographical or other conditions peculiar to the site, the Board of County Commissioners or their Designate may authorize a variance, if such variance can be made without destroying the intent of the **Ordinance**. Any proposed variance shall be entered into the minutes of the Board of County Commissioners or their Designate and the reasoning on which the departure was justified shall be set forth.

5. **Lot Size:**

Lots shall be a minimum of 20,000 S.F. Typically, lots are 100' x 200' in most subdivisions with wells and septic tanks. If county water is available, lot sizes can be 15,000 S.F. If county water and a public sewer system is available, lot sizes can be 10,000 S.F.

6. **Fee for Each Development:**

A one-time fee is to be paid by the developer with the fee being set by the Columbus County Board of Commissioners.

7. **Private Streets:**

All streets in a subdivision are to be constructed with a minimum width of forty-five feet (45') with a minimum surfaced area of eighteen feet (18') in width and two inches (2") to four inches (4") in depth of gravel, stone, marl or equivalent material. Streets are to be maintained in a fashion to allow safe passage of all emergency vehicles whether by the developer, property owners or a prearranged agreement between developer and property owners. All buyers and sellers must sign a roadway disclosure statement.

(Note): See street design sketch on page 13

8. **Property Owners' Association:**

Once seventy-five percent (75%) or more of the lots are sold within a subdivision, a property owners' association will be formed. Until this time, road maintenance and enforcement of restrictive covenants shall be the responsibility of the developer. The property owners' association, once formed, shall have the right to enforce the restrictions and conditions contained in this declaration and further shall have the right to impose any equal assessment on an annual basis against each and every lot within the subdivision for the purpose of maintaining the streets, roads and drainage located within the subdivision.

It is a part of the development scheme of the subdivision that all streets and roads located within the subdivision are private and will in all likelihood remain such. These roads are not constructed to standards prescribed by the North Carolina Department of Transportation for roads on its maintenance system. Maintenance of all streets and roads located within the subdivision is and will continue to be the sole responsibility of the owners of lots in the subdivision.

The property owners' association shall be organized under the laws of the state of North Carolina and each property owner shall automatically become a member of the association once it is formed with full voting rights. The officers and directors of the association shall be property owners and all fees will be set forth by the association. Once the association has been formed and maintenance fees for the streets have been assessed, each lot owner shall be obligated to pay the street assessment to the association within thirty (30) days after receipt of notice of any assessment and failure after notice to make payments within the time specified shall cause the assessments to become a lien against the individual lot. Law provided may enforce the lien.

The property owners shall have the right to take action or enforce regulations concerning the use of the streets within the subdivision. Each person acquiring title to a lot located within the subdivision which is subject to these restrictions and conditions, bind himself, his heirs and assigns

to the members of the home owners' association should it be formed pursuant to these restrictions and conditions and further binds and obligates himself, his heirs and assigns to pay the street maintenance assessment to the home owners' association once it has been levied by the association.

9. **Street Signs:**

Streets will be named and signs erected by the developer and must conform to county standards.

10. **Subdivision Signs:**

A three-foot (3') by four-foot (4') minimum size sign will be constructed at the entrance of each subdivision.

(Note): A subdivision with more than twenty-five (25) lots will be considered a major subdivision and therefore a different road system and regulations will be addressed at a later date.

(Note): A clarification between subdivision and mobile home park needs to be addressed. The primary difference is that lots within a subdivision are sold and lots within a mobile home park are rented.

AMENDMENT PROCEDURE

The Columbus County Board of Commissioners, as provided by the General Statutes, may amend this ordinance in the future. No amendment shall be made effective unless the proposed amendments have been submitted to the Board of County Commissioners or their Designates for their review and recommendations.

ADOPTED this the ___ day of 20__ .

Columbus County Board of Commissioners
/s/ **SAMMIE JACOBS, Chairman**

MINIMUM STANDARDS

- No lots within a subdivision shall be used for commercial purposes unless stated in the Minimum Standards prior to any sales of residential lots.

- No lot or lots shall be divided or subdivided. No portion (or any less than the whole) of any one (1) lot shall be sold or conveyed except that a lot may be subdivided into two (2) portions and conveyed to the owners of the adjoining lots so as to become parts thereof; provided however, that the property thus combined shall be considered as one lot for the purpose of these standards.

- No more than one residential building or mobile home shall be erected, placed or permitted on any lot, other than such outbuilding as are usually accessory to such residential use. Such outbuilding may not be used as additional living quarters.

- No outside toilet facilities may constructed or utilized and all sanitary facilities must be constructed in accordance with the State of North Carolina and Columbus County Health Department regulations.

- No hogs, goats, horses, cows or other livestock shall be permitted on any lots in the subdivision unless the subdivision is classified as a mini-farm or mini-ranch with minimum lot sizes being five (5) acres.

- Each lot owner shall at all times maintain said lot in a neat and well-kept condition.

- No stale garbage or any other condition conducive to the breeding of flies, insects or rodents or otherwise prejudicial to the health or well being of the lot owners shall not be permitted to continue on any lot. No animals, livestock or poultry of any description, except the usual household pets are allowed. All household pets shall be contained within the boundaries of the tract on which their owners reside. Mini-farms and mini-ranches of five (5) acres or more in size shall allow a limited amount of livestock.

- No noxious or offensive activities shall be carried on upon any lot nor shall anything be done thereon, which may be or become a nuisance or an annoyance to the neighboring lot owners.

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- No building, nor approved mobile home shall be placed or erected nearer than ten feet (10') to the side property line or nearer than fifty feet (50') from the front property line or street right-of-way on which the building or approved mobile home is facing and no nearer than thirty feet (30') from the rear property line of a lot. All such buildings and mobile homes shall be so placed on the lot so as to conform with the minimum setback requirements as herein described and to conform with other structures on adjoining lots, unless prior written approval is given by seller for allowing an exception.
- No bus bodies, shacks, tents, stripped or junk vehicles or parts thereof shall be allowed on any lot or permitted to be parked on any street in the subdivision. Any vehicle in the subdivision must be currently licensed and properly insured or stored inside of a closed garage or shop.
- Any private dwelling located within said subdivision shall conform to all state and county building codes.
- Any conventional residential building located on any tract shall have a minimum 850 S.F. of heated area. Any mobile home located on any tract shall not be less than twelve feet (12') wide and forty-five (45') long.
- Any mobile home located on any tract shall not be more than two (2') years old at the time of placement unless prior written approval is given by the seller for allowing an older model to be located on any tract. The front door of any residence erected or situated on a tract shall face the main street on which any residence is located. Old homes or structures of any type will not be permitted to be moved onto any lot unless prior written approval is given by the developer and Columbus County Building Inspector for allowing an exception.
- All residences must be underpinned before final approval for occupancy. Underpinning must be constructed of new materials consisting of brick, metallic, hard board or vinyl mobile home skirting. The use of any other type material must receive written approval of the developer and Columbus County Building Inspector prior to installation.
- A fifteen foot (15') right-of-way is reserved along the outside edge of the road right-of-way for utility and drainage easements.
- Nothing herein contained shall be constructed as imposing any covenants and restrictions on any property of the owners of this subdivision other than the property to which these restrictive covenants specifically apply.
- Seller hereby reserves the right to use any of the above-described property owned by it (seller) as streets for the purpose of providing access to or from the above-described property or other property owned by it (seller).
- No lot or any portion thereof of any purchaser ay at any time be used as a road, access road, street or alleyway without written permission of the seller.
- All driveways and driveway pipes shall be installed and constructed in accordance with those standards established by the North Carolina Department of Transportation for secondary residential streets.
- No lot or any portion thereof of any purchaser may at any time be used as a road, access road, street or alleyway without written permission of the seller.
- All driveway and driveway pipes shall be installed and constructed in accordance with those standards established by the North Carolina Department of Transportation for secondary residential streets.
- Invalidation of any one of these covenants by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.
- Any property owner within the subdivision may enforce either at law or equity these minimum standard.

BUYER,
DATE,

SELLER,
DATE,,,,,

I, the above signed person(s) have read all the restrictions and do agree to abide by these restrictions as described above.

NOTARY PUBLIC,

MY COMMISSION EXPIRES,,,

Mr. Wilson stated the following:

1. This document is a proposed document and is in the working stages;
2. It will take about two (2) more Planning Board meetings, if we can get the majority of our group there so we can vote on some matters, to get some details worked out;
3. I would like for the Board of Commissioners to come to a February Meeting for a workshop;
4. We are planning to get all the details worked out before we present this document to the Board for approval; **and**
5. We are presently working on the 1997 version of the Mobile Home Park Ordinance.

Commissioner Memory stated he would like for the Clerk to the Board to work with the Planning Board to set up a workshop in January and for this document to be presented to the Board in February for approval.

After discussion relative to the original document verses the latest version, Commissioner Memory made a motion to accept this beginning proposal as information, and to set up a workshop for January or February with the Planning Board to go over the contents, seconded by Commissioner Norris. The motion passed unanimously.

Agenda Item #13: EMERGENCY SERVICES - BOARD APPROVAL to RESCIND EXISTING FIRE PROTECTION and PREVENTION ORDINANCE, and BOARD APPROVAL and ADOPTION of the REVISED FIRE PROTECTION and PREVENTION ORDINANCE:

Kay Worley, Interim Director of Emergency Services, requested Board approval of rescinding the existing Ordinance and Board approval and adoption of the **revised** Fire Protection and Prevention Ordinance, on the first reading.

Ms. Worley stated the following:

1. I have with me tonight Shannon Blackman who works with the Fire Marshal's Office as one of our Fire Inspectors;
2. The changes have been highlighted for your review;
3. Let's start on Page 7, and Mr. Blackman will explain.

Mr. Blackman stated the following:

1. From what I can gather, the contents of this document originated from Brunswick County, and their tax base is much greater than Columbus County;
2. On Page 7, in the existing Ordinance, under the Scheduled Inspection Fee, anything over ten thousand (10,000 SF) square feet, there was a five and 00/100 (\$5.00) dollars fee for every one thousand (1,000 SF) square feet over ten thousand (10,000 SF) square feet;
3. This existing fee is equating to a rather large inspection fee for industries;
4. The revised Ordinance would provide a flat fee;
5. Public schools, churches and synagogues shall be exempt from the scheduled inspection fee;
6. In the existing Ordinance, only the Fire Marshal could act on certain matters, and in the revised Ordinance, it states the Fire Marshal or the Fire Official; **and**
7. On Page 10, we have added "Failure to obtain the proper permit(s) before construction begins will result in issuance of civil citation to violator. This fee must be paid along with regular permit fee(s) before construction can resume."

Commissioner Memory made a motion to approve the **Revised** Fire Protection and Prevention Ordinance, **on its first reading**, seconded by Vice Chairman Prevatte. The motion unanimously carried.

Agenda Item #13: EMERGENCY SERVICES - APPOINTMENT OF ACTING FIRE MARSHAL:

Kay Worley, Interim Director of Emergency Services, requested Board appointment of Shannon Blackman as the Acting Fire Marshal.

Commissioner McKenzie asked Ms. Worley if Mr. Blackman had all the necessary credentials that were required for this position. Ms. Worley replied stating the following:

1. Mr. Blackman has the following:
 - a. Level II Standard;
 - b. Probationary Level III Fire Inspector; and
 - c. Certified Level II Firefighter; **and**
2. Eighteen (18) years experience in fire inspection.

Mr. Blackman stated the following:

1. I have no fire investigation;
2. I was told by Jim Varner, former County Manger, that I would be the Acting Fire Marshal, and I have never seen any paperwork to this effect; **and**
3. I just want something to cover me in the course of my work.

Commissioner McKenzie made a motion to appoint Shannon Blackman as the Columbus County Acting Fire Marshal, seconded by Vice Chairman Prevatte. The motion unanimously carried.

Agenda Item # EMERGENCY SERVICES - COMMUNICATIONS with SHERIFF'S DEPARTMENT:

Kay Worley, Interim Director of Emergency Services, delivered the following explanation in reference to communications with the Sheriff's Department:

1. On October 15, 2007, I was made aware of some possible communication issues or problems with the Sheriff's Department and the 911 Center;
2. I contacted Commissioner Gore relative to this possible communication problem, and he suggested that we have a meeting with Lewis Hatcher, Leo Hunt, Sheriff Batten and Susan Lennon;
3. At that meeting, I was given a copy of a letter that Sheriff Batten had sent to the County Commissioners;
4. In Sheriff Batten's letter, he stated that he wanted to have four (4) telecommunicators that work directly for the Sheriff's Department to help monitor the Sheriff's Department's frequencies;
5. Currently, we do have one (1) telecommunicator on each shift that is responsible for monitoring the Sheriff's Department's frequencies;
6. We have one (1) telecommunicator that monitors the County's PD frequencies which is Fair Bluff, Tabor City and Chadbourn's police departments;
7. I have a telecommunicator that monitors the Whiteville Police Department frequency;
8. I have a telecommunicator that monitors County fire and rescue;
9. In the event a telecommunicator is out on sick time or vacation leave, or whatever, then I have three (3) people on a shift, then the County fire and rescue frequency is monitored as a team;
10. We have six (6) 911 telephone lines that we are responsible for;
11. We have eight (8) administrative lines that the 911 Center is responsible for; **and**
12. Two (2) things that need to be worked on, and I have suggestions for, are as follows:
 - a. After hours and at lunch time, Law Enforcement Agencies have their administrative telephone lines transferred to the 911 Center; and
 - b. I am asking for your support in requesting these Law Enforcement Agencies if they could install an answering machine, or some type of automatic device, but I would suggest to anyone who purchases answering machine that in the event the citizen does have an emergency, please hang up and call 911.

Major Lewis Hatcher stated the following:

1. The Sheriff is in no way wanting to take over the 911 Center;
2. Relative to the radio traffic that comes in on the Sheriff's frequency, there has been some instances where information was not recorded, and when we went back to retrieve this information, we were not able to obtain it;
3. We do understand the frequency transfer;
4. The only thing we are asking that we have someone designated to our frequency only, since we have the most cars;
5. We would be able to give this designated person some protocol as to how we need our

- information documented to fit our need for better retrieval of the information we need; **and**
6. We want someone there to fulfill this need.

Lengthy and in-depth discussion was conducted relative to the 911 Center's ability to meet the Sheriff's Department's need for the dedication of a telecommunicator with the present staff or the possible addition of additional staff. Chairman Jacobs recommended that Commissioner Gore, Kay Worley and Lewis Hatcher meet and come up with a solution to meet this need and bring their recommendation back to the Board.

Commissioner Bullard asked Major Hatcher how often did this happen when the needed information could not be retrieved. Major Hatcher replied stating he could remember three (3) instances in the past year, and one (1) instance involved a homicide.

Ms. Worley made the recommendation to page out all fire and rescue on one (1) main frequency which would free up some of the telecommunicators.

Commissioner Gore stated the Town Halls within the County were transferring their lines after hours and on weekends, and this needed to be stopped with the installation of answering devices with the instructions to call the 911 Center in cases of true emergencies.

After additional discussion was conducted, it was the general consensus of the Board for Commissioner Gore, Kay Worley and Major Hatcher to meet, and come up with a solution to this problem, and bring their recommendation back to the Board.

Agenda Item #15: ANIMAL CONTROL - RE-APPOINTMENT of ANIMAL CRUELTY INVESTIGATOR:

Lisa Hartman, Animal Cruelty Investigator, requested re-appointment as the Columbus County Animal Cruelty Investigator.

Commissioner Memory made a motion to re-appoint Lisa Hartman as the Columbus County Animal Cruelty Investigator, seconded by Commissioner McKenzie. The motion unanimously passed.

Agenda Item #16: RESOLUTION - RESOLUTION to ADOPT POLICIES and PROVIDE STAFF DIRECTION RELATING to ILLEGAL RESIDENTS in COLUMBUS COUNTY:

Vice Chairman Prevatte requested Board discussion for possible approval and adoption of the Resolution to Adopt Policies and Provide Staff Direction Relating to Illegal Residents in Columbus County.. **(This will be the first reading of this Resolution. This matter was tabled at the November 05, 2007 Board Meeting.)**

Vice Chairman Prevatte made a motion to remove this item from the table at this time for consideration at a later date, and give direction to the County Attorney to contact the State Attorney General for a legal opinion on the Resolution, seconded by Commissioner Memory. The motion unanimously carried.

Agenda Item #17: 2005 CDBG-SSH GRANT # 05-C-1358 - CLOSE-OUT:

Tammy Jones, Program Administrator, The Adams Company, Incorporated, requested the Board to establish a Public Hearing date of December 03, 2007 for the close-out of the 2005 CDBG-SSH Grant # 05-C-1358.

Commissioner Norris made a motion to establish December 03, 2007, at 6:45 P.M., for the close-out of the 2005 CDBG-SSH Grant # 05-C-1358 in the Dempsey B. Herring Courthouse Annex, 112 West Smith Street, Whiteville, North Carolina 28472, seconded by Commissioner Memory. The motion unanimously passed.

Agenda Item #18: 2006 PERSONNEL POLICY MANUAL:

Commissioner Bullard requested Board discussion for review of the needed changes to the 2006 Columbus County Personnel Policy Manual, and the establishment of a workshop.

After discussion was conducted relative to the timeliness of this matter, it was the general consensus of the Board to establish January 14, 2007, at 6:30 P.M., as being the date and time for a workshop to be held in the Dempsey B. Herring Courthouse Annex, 112 West Smith Street, Whiteville, North Carolina 28472.

Agenda Item #19: GOVERNING BODY - RULES AND PROCEDURES:

Commissioner Bullard requested Board discussion of the Rules and Procedures for the Governing Body.

After discussion was conducted relative to the timeliness of this matter, it was the general consensus of the Board to establish January 14, 2007, at 6:30 P.M., as being the date and time for a workshop to be held in the Dempsey B. Herring Courthouse Annex, 112 West Smith Street, Whiteville, North Carolina 28472.

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

At 7:49 P.M., Commissioner Memory made a motion to recess Regular Session and enter into a Combination Meeting of the Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting, seconded by Commissioner McKenzie. The motion unanimously carried.

Agenda Item #20: WATER BOARDS' MINUTES APPROVAL: November 05, 2007 Combination Meeting of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting (5 sets);

This information will be recorded in Minute Book Number 1 for each of the water districts respectively.

Agenda Item #21: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III AND IV - APPROVAL of ADJUSTMENTS to OCTOBER, 2007 WATER BILLS: Leroy Sellers, Public Utilities Director, is requesting Board approval of these adjustments.

This information will be recorded in Minute Book Number 1 for each of the water districts respectively.

Agenda Item #22: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV AND V - APPROVAL and ADOPTION of the REVISED WATER EMERGENCY ORDINANCE and APPROVAL of WATER SHORTAGE RESPONSE PLAN: Leroy Sellers, Public Utilities Director, is requesting Board approval and adoption of the revised Ordinance, and Board approval of the Water Shortage Response Plan, as per the State requirement. (This will serve as the first reading of the revised Ordinance.)

This information will be recorded in Minute Book Number 1 for each of the water districts respectively.

Agenda Item #23: COLUMBUS COUNTY WATER and SEWER DISTRICT III - AUTHORIZATION for INTERIM COUNTY MANAGER to SIGN AGREEMENT for ENGINEERING SERVICES: Leroy Sellers, Public Utilities Director, is requesting Board approval.

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

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

At 7:50 P.M., Commissioner McKenzie made a motion to adjourn the Combination Meeting of the Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting and resume Regular Session, seconded by Commissioner Norris. The motion unanimously passed.

Agenda item #24: APPOINTMENTS - COMMITTEE/BOARDS:

June B. Hall, Clerk to the Board, requested the following appointments/re-appointments be made to the following boards/committees.

COMMITTEE	ZONE/ EB	PERSON(S)	EXPIR. DATE	BOARD ACTION
Chadbourn Planning & Zoning Board	EB	-Vacancy-	05/2009	Hold
Fair Bluff Planning Board Motion: Bullard Second: Prevatte	EB	Billie Washington (ETJ)	April, 2007	Re-Appoint
Housing Advisory Committee	IV	Marshall Shepherd (Deceased)	06-30-2007	Hold
Industrial Facilities Pollution Control Financing Authority	EB	Larry Buffkin (Resigned)	06-30-2010	Hold
Library Board of Trustees	II	Robert L. Young	06-30-2007	Glenda Phillips
Planning Board	IV	Ivan Wilson (Resigned)	09/30/2007	Hold

Agenda Item #25: CONSENT AGENDA ITEMS:

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

A. Budget Amendments:

TYPE	ACCOUNT	DETAILS	AMOUNT
Expenditure	10-4267-549900	Miscellaneous Account	2,737
Revenue	10-3426-489040	Revenue Account	2,737
Expenditure	10-4330-569935	CERT Grant	6,000
Revenue	10-3433-436020	Revenue	6,000

Commissioner Norris made a motion to approve the following November 19, 2007 Refunds and Releases and the Amendments to the November 19, 2007 Tax Releases, seconded by Commissioner Gore. The motion unanimously passed.

B. November 19, 2007 Tax Refunds and Releases:

**TAX REFUNDS (as submitted to the Governing Body from the Tax Office);
November 19, 2007**

Refunds Name: Stephens, John Henry & Gladys Amount: \$48.96
 Value: \$6,400.00 Year 006 Account # 06-36400 Bill # 55400 Total \$156.24
 Refund the value of a house and the Columbus Rescue fee. The house burned in 2005.
 2898 Figure 9 Rd. Council NC 28434

Refunds Name: Grady, Marcella S. Amount: \$0.00
 Value: \$0.00 Year 003 Account # 09-03717 Bill # 41943 Total \$177.00
 Refund user fee. Customer has commercial services in mobile home park.
 PO Box 331 Tabor City NC 28463

Refunds Name: Grady, Marcella S. Amount: \$0.00
 Value: \$0.00 Year 004 Account # 09-03717 Bill # 98165 Total \$177.00
 Refund user fee. Customer has commercial service in mobile home park.

PO Box 331 Tabor City NC 28463

Refunds Name: Grady, Marcella S. Amount: \$0.00
 Value: \$0.00 Year 005 Account # 09-03717 Bill # 98165 Total \$177.00
 Refund user fee. Customer has commercial service in mobile home park.
 PO Box 331 Tabor City NC 28463

**TAX RELEASES (as submitted to the Governing Body Office from the Tax Office)
 November 19, 2007**

Release the Property Value in the name of Cook, Miriam Amount: \$21.57
 Value: \$2,955.00 Year: 2005 Account # 03-04095 Bill # 4813 Total \$203.97
 Release the value of a mobile home, the Nakina Fire (2.36) and the Columbus Rescue (.59). The home was traded for a double wide and listed.

Release the Property Value in the name of Cook, Miriam Amount: \$23.10
 Value: \$3,020.00 Year: 2006 Account # 03-04095 Bill # 5662 Total \$221.73
 Release the value of a mobile home, the Nakina Fire (2.42) and the Columbus Rescue (.60). The home was traded for a double wide and listed.

Release the Property Value in the name of Cook, Miriam Amount: \$24.53
 Value: \$3,145.00 Year: 2004 Account # 03-04095 Bill # 0975 Total \$207.45
 Release the value of a mobile home, the Nakina Fire (2.52) and the Columbus Rescue (.63). The home was traded for a double wide and listed.

Release the Property Value in the name of Cook, Miriam Amount: \$22.07
 Value: \$2,830.00 Year: 2003 Account # 03-04095 Bill # 4805 Total \$204.39
 Release the value of a mobile home, the Nakina Fire (2.26) and the Columbus Rescue (.57). The home was traded for a double wide and listed.

Release the Property Value in the name of Cook, Miriam Amount: \$21.68
 Value: \$2,780.00 Year: 2002 Account # 03-04095 Bill # 4510 Total \$201.46
 Release the value of a mobile home and the Columbus Rescue fee. The home was traded for a double wide and listed.

Release the Property Value in the name of Cook, Miriam Amount: \$21.22
 Value: \$2,720.00 Year: 2001 Account # 03-04095 Bill # 6943 Total \$188.94
 Release the value of a mobile home and the Columbus Rescue. The home was traded for a double wide and listed.

Release the Property Value in the name of Cook, Miriam Amount: \$20.16
 Value: \$2,800.00 Year: 2000 Account # 03-04095 Bill # 6769 Total \$147.18
 Release the value of a mobile home that was traded for a double wide and listed.

Release the Property Value in the name of Cook, Miriam Amount: \$6.95
 Value: \$1,000.00 Year: 1999 Account # 03-04095 Bill # 822 Total \$107.65
 Release the value of a mobile home that was traded for a double wide and listed.

Release the Property Value in the name of Cook, Miriam Amount: \$6.95
 Value: \$1,000.00 Year: 1998 Account # 03-04095 Bill # 4210 Total \$107.65
 Release the value of a mobile home that was traded for a double wide and listed.

Release the Property Value in the name of Cook, Miriam Amount: \$8.15
 Value: \$1,000.00 Year: 2007 Account # 03-04095 Bill # 5676 Total \$203.07
 Release the value of a mobile home, the Nakina Fire (.80) and the Columbus Rescue (.20). The home was traded for a double wide and listed.

Release the Property Value in the name of Cross, Timothy Amount: \$66.99
 Value: \$8,220.00 Year: 2007 Account # 13-00556 Bill # 8080 Total \$282.22
 Release the value of a mobile home, the Klondyke Fire (5.75), the Columbus Rescue (1.64) and W2 (7.40). The home is listed to Austin Daniel Cross in Lumberton NC.

Release the Property Value in the name of Duncan, Steven Amount: \$102.43
 Value: \$13,390.00 Year: 2007 Account # 11-00049 Bill # 7962 Total \$317.45

Release the value of a mobile home, the Hallsboro Fire (8.03) and the Columbus Rescue (2.68). The home is double listed in the name of Jason Butler.

Release the Property Value in the name of GE Capital Infor. Tech. Solutions	Amount:	\$19.06
Value: \$2,339.00 Year: 2007 Account # 01-04094 Bill # 1704	Total	\$19.53

Release the value of equipment that was listed in error. The equipment is no longer on the lease.

Release the Property Value in the name of Givins, Elouise	Amount:	\$229.50
Value: \$30,000.00 Year: 2006 Account # 06-14109 Bill # 1956	Total	\$265.50

Release a portion of the mobile home value, a portion of the Yam City Fire (30.00) and a portion of the Columbus Rescue (6.00). The home was billed with incorrect value. Home has also be repossessed.

Release the Property Value in the name of Hayes, Darrell	Amount:	\$41.93
Value: \$5,376.00 Year: 2002 Account # 03-10644 Bill # 3602	Total	\$229.04

Release the value of a mobile home, the Old Dock Fire (4.30) and the Columbus Rescue (1.08). The home burned in 1987.

Release the Property Value in the name of Hayes, Darrell	Amount:	\$33.88
Value: \$4,641.00 Year: 2005 Account # 03-10644 Bill # 164	Total	\$219.37

Release the value of a mobile home, the Old Dock Fire (3.71) and the Columbus Rescue (.93). The home burned in 1987.

Release the Property Value in the name of Hayes, Darrell	Amount:	\$38.43
Value: \$4,927.00 Year: 2004 Account # 03-10644 Bill # 46	Total	\$224.70

Release the value of a mobile home, the Old Dock Fire (3.94) and the Columbus Rescue (.99). The home burned in 1987.

Release the Property Value in the name of Hayes, Darrell	Amount:	\$39.95
Value: \$5,122.00 Year: 2003 Account # 03-10644 Bill # 4037	Total	\$226.58

Release the value of a mobile home, the Old Dock Fire (4.10) and the Columbus Rescue (1.02). The home burned in 1987.

Release the Property Value in the name of Hayes, Darrell	Amount:	\$43.56
Value: \$5,584.00 Year: 2001 Account # 03-10644 Bill # 5851	Total	\$214.15

Release the value of a mobile home and the Columbus Rescue. The home burned in 1987.

Release the Property Value in the name of Hayes, Darrell	Amount:	\$40.31
Value: \$5,598.00 Year: 2000 Account # 03-10644 Bill # 5514	Total	\$169.34

Release the value of a mobile home that burned in 1987.

Release the Property Value in the name of Hayes, Darrell	Amount:	\$40.24
Value: \$5,790.00 Year: 1998 Account # 03-10644 Bill # 2554	Total	\$144.26

Release the value of a mobile home that burned in 1987.

Release the Property Value in the name of Hayes, Darrell	Amount:	\$38.71
Value: \$5,570.00 Year: 1999 Account # 03-10644 Bill # 4425	Total	\$142.58

Release the value of a mobile home that burned in 1987.

Release the Property Value in the name of Jacobs, John H.	Amount:	\$267.32
Value: \$32,800.00 Year: 2007 Account # 15-16640 Bill # 8321	Total	\$313.24

Release the property value, the Acme Delco Fire (39.36) and the Columbus Rescue (6.56). This property does not exist.

Release the Property Value in the name of Jacobs, John H.	Amount:	\$250.92
Value: \$32,800.00 Year: 2006 Account # 15-19940 Bill # 8032	Total	\$296.84

Release the property value, the Acme Delco Fire (39.36) and the Columbus Rescue (6.56). This property does not exist.

Release the Property Value in the name of Jacobs, John H.	Amount:	\$130.66
Value: \$18,800.00 Year: 1998 Account # 15-19940 Bill # 5003	Total	\$130.66

Release value of property that does not exist.

Release the Property Value in the name of Jacobs, John H.	Amount:	\$130.66
Value: \$18,800.00 Year: 1999 Account # 15-19940 Bill # 6940	Total	\$130.66

Release value of property that does not exist.

Release the Property Value in the name of Jacobs, John H.	Amount:	\$135.36
Value: \$18,800.00 Year: 2000 Account # 15-19940 Bill # 8110	Total	\$135.36

Release value of property that does not exist.

Release the Property Value in the name of Jacobs, John H.	Amount:	\$146.64
Value: \$18,800.00 Year: 2001 Account # 15-19940 Bill # 8545	Total	\$172.96

Release the property value, the Acme Delco Fire (22.56) and the Columbus Rescue (3.76). The property does not exist.

Release the Property Value in the name of Jacobs, John H.	Amount:	\$146.64
Value: \$18,800.00 Year: 2002 Account # 15-19940 Bill # 6359	Total	\$172.96

Release the property value, the Acme Delco Fire (22.56) and the Columbus Rescue (3.76). The property does not exist.

Release the Property Value in the name of Jacobs, John H.	Amount:	\$146.64
Value: \$18,800.00 Year: 2003 Account # 15-19940 Bill # 6819	Total	\$172.96

Release the value of the property, the Acme Delco Fire (22.56) and the Columbus Rescue (3.76). The property does not exist.

Release the Property Value in the name of Jacobs, John H.	Amount:	\$239.44
Value: \$32,800.00 Year: 2005 Account # 15-19940 Bill # 954	Total	\$285.36

Release the property value, the Acme Delco Fire (39.36) and the Columbus Rescue (6.56). This property does not exist.

Release the Property Value in the name of Jacobs, John H.	Amount:	\$146.64
Value: \$18,800.00 Year: 2004 Account # 15-19940 Bill # 021	Total	\$172.96

Release the value of property, the Acme Delco Fire (22.56) and the Columbus Rescue (3.76). The property does not exist.

Release the Property Value in the name of Long, Joe Steven Jr.	Amount:	\$84.97
Value: \$11,640.00 Year: 2005 Account # 03-03627 Bill # 0355	Total	\$96.61

Release the value of a mobile home, the Old Dock Fire (9.31) and the Columbus Rescue (2.33). The home is double listed in the name of Joe Long Sr.

Release the Property Value in the name of Long, Joe Steven Jr.	Amount:	\$106.47
Value: \$13,650.00 Year: 2003 Account # 03-03627 Bill # 0355	Total	\$132.13

Release the value of a mobile home, the Old Dock Fire (10.92) and the Columbus Rescue (2.73). The home is double listed in the name of Joe Long Sr.

Release the Property Value in the name of Long, Joe Steven Jr.	Amount:	\$116.53
Value: \$14,940.00 Year: 2002 Account # 03-03627 Bill # 9596	Total	\$144.66

Release the value of a mobile home, the Old Dock Fire (11.95) and the Columbus Rescue (2.99). The home is double listed in the name of Joe Long Sr.

Release the Property Value in the name of Long, Joe Steven Jr.	Amount:	\$148.31
Value: \$21,340.00 Year: 1999 Account # 03-14280 Bill # 9874	Total	\$248.31

Release the value of a mobile home that is double listed in the name of Joe Long Sr.

Release the Property Value in the name of Moore, Robert Jr.	Amount:	\$34.32
Value: \$4,400.00 Year: 2002 Account # 12-19247 Bill # 3153	Total	\$39.60

Release the property value the Cerro Gordo fire (4.40) and the Columbus Rescue (.88). The property is double listed in the name of James Salter.

Release the Property Value in the name of Moore, Robert Jr.	Amount:	\$29.19
Value: \$4,200.00 Year: 1999 Account # 12-19247 Bill # 3259	Total	\$33.39

Release the property value and the Cerro Gordo fire. The property is double listed in the name of Malcolm Bullock.

Release the Property Value in the name of Moore, Robert Jr.	Amount:	\$50.53
Value: \$6,200.00 Year: 2007 Account # 12-19247 Bill # 5656	Total	\$63.55

Release the property value, the Cerro Gordo Fire (6.20) the Columbus Rescue (1.24) and W2 (5.58). The property is double listed in the name of James Salter.

Release the Property Value in the name of Moore, Robert Jr. Amount: \$45.14
 Value: \$5,900.00 Year: 2006 Account # 12-19247 Bill # 5299 Total \$57.53
 Release the property value, the Cerro Gordo Fire (5.90) the Columbus Rescue (1.18) and W2 (5.31). The property is double listed in the name of Malcolm Bullock.

Release the Property Value in the name of Moore, Robert Jr. Amount: \$47.47
 Value: \$6,200.00 Year: 2006 Account # 12-19247 Bill # 5298 Total \$60.49
 Release the property value, the Cerro Gordo fire (6.20) the Columbus Rescue (1.24) and W2 (5.58). The property is double listed in the name of James Salter.

Release the Property Value in the name of Moore, Robert Jr. Amount: \$43.07
 Value: \$5,900.00 Year: 2005 Account # 12-19247 Bill # 4054 Total \$55.46
 Release the property value, the Cerro Gordo fire (5.90) the Columbus Rescue (1.18) and W2 (5.31) The property is double listed in the name of Malcolm Bullock.

Release the Property Value in the name of Moore, Robert Jr. Amount: \$45.26
 Value: \$6,200.00 Year: 2005 Account # 12-19247 Bill # 4053 Total \$58.28
 Release the property value, the Cerro Gordo fire (6.20) the Columbus Rescue (1.24) and W2 (5.58). The property is double listed in the name of James Salter.

Release the Property Value in the name of Moore, Robert Jr. Amount: \$32.76
 Value: \$4,200.00 Year: 2004 Account # 12-19247 Bill # 0034 Total \$44.10
 Release the property value, the Cerro Gordo fire (4.20) the Columbus Rescue (.84) and W2 (6.30)

Release the Property Value in the name of Moore, Robert Jr. Amount: \$34.32
 Value: \$4,400.00 Year: 2004 Account # 12-19247 Bill # 0033 Total \$46.20
 Release the property value, the Cerro Gordo Fire (4.40), the Columbus Rescue (.88) and W2 (6.60). The property is double listed in the name of James Slater.

Release the Property Value in the name of Moore, Robert Jr. Amount: \$32.76
 Value: \$4,200.00 Year: 2003 Account # 12-19247 Bill # 3765 Total \$37.80
 Release the property value, the Cerro Gordo fire (4.20) and the Columbus Rescue (.84). The property is double listed in the name of Malcolm Bullock.

Release the Property Value in the name of Moore, Robert Jr. Amount: \$32.76
 Value: \$4,200.00 Year: 2002 Account # 12-19247 Bill # 3154 Total \$37.80
 Release the property value, the Cerro Gordo fire (4.20) and the Columbus Rescue (.84). The property is double listed in the name of Malcolm Bullock.

Release the Property Value in the name of Moore, Robert Jr. Amount: \$48.09
 Value: \$5,900.00 Year: 2007 Account # 12-19247 Bill # 5657 Total \$60.48
 Release the property value, the Cerro Gordo Fire (5.90) the Columbus Rescue (1.18) and W2 (5.31). The property is double listed in the name of Malcolm Butler.

Release the Property Value in the name of Moore, Robert Jr. Amount: \$32.76
 Value: \$4,200.00 Year: 2001 Account # 12-19247 Bill # 225 Total \$37.80
 Release the property value, the Cerro Gordo Fire (4.20) and the Columbus Rescue (.84). The property is double listed in the name of Malcolm Bullock.

Release the Property Value in the name of Moore, Robert Jr. Amount: \$34.32
 Value: \$4,400.00 Year: 2001 Account # 12-19247 Bill # 224 Total \$39.60
 Release the property value, the Cerro Gordo Fire (4.40) and the Columbus Rescue (.88). The property is double listed in the name of James Salter.

Release the Property Value in the name of Moore, Robert Jr. Amount: \$30.24
 Value: \$4,200.00 Year: 2000 Account # 12-19247 Bill # 588 Total \$34.44
 Release the property value and the Cerro Gordo fire. The property is double listed in the name of Malcolm Bullock.

Release the Property Value in the name of Moore, Robert Jr. Amount: \$31.68
 Value: \$4,400.00 Year: 2000 Account # 12-19247 Bill # 587 Total \$36.08
 Release the property value and the Cerro Gordo fire. The property is double listed in the name of James Salter.

Release the Property Value in the name of Moore, Robert Jr. Amount: \$30.58
 Value: \$4,400.00 Year: 1998 Account # 12-19247 Bill # 1071 Total \$34.98
 Release the property value and the Cerro Gordo fire. The property is double listed in the name of James Salter.

Release the Property Value in the name of Moore, Robert Jr. Amount: \$29.19
 Value: \$4,200.00 Year: 1998 Account # 12-19247 Bill # 1072 Total \$33.39
 Release the property value and the Cerro Gordo fire. The property is double listed in the name of Malcolm Bullock.

Release the Property Value in the name of Moore, Robert Jr. Amount: \$30.58
 Value: \$4,400.00 Year: 1999 Account # 12-19247 Bill # 3258 Total \$34.98
 Release the property value and the Cerro Gordo fire. The property is double listed in the name of James Salter.

Release the Property Value in the name of Moore, Robert Jr. Amount: \$34.32
 Value: \$4,400.00 Year: 2003 Account # 12-19247 Bill # 3764 Total \$39.60
 Release the property value, the Cerro Gordo Fire (4.40) and the Columbus Rescue (.88). The property is double listed in the name of James Salter.

Release the Property Value in the name of Robinson, Dorene Amount: \$53.27
 Value: \$6,830.00 Year: 2003 Account # 04-13674 Bill # 8719 Total \$241.61
 Release the value of a mobile home, the Bolton Fire (4.10) and the Columbus Rescue (1.37). The home is double listed in the name of Daniel Brown.

Release the Property Value in the name of Robinson, Dorene Amount: \$47.47
 Value: \$6,205.00 Year: 2006 Account # 04-13674 Bill # 0421 Total \$253.41
 Release the value of a mobile home, the Bolton Fire (6.21) and the Columbus Rescue (1.24). The home is double listed in the name of Daniel Brown.

Release the Property Value in the name of Robinson, Dorene Amount: \$48.44
 Value: \$5,944.00 Year: 2007 Account # 04-13674 Bill # 0851 Total \$254.13
 Release the value of a mobile home, the Bolton Fire (5.94) and the Columbus Rescue (1.19). The home is double listed in the name of Daniel Brown.

Release the Property Value in the name of Robinson, Dorene Amount: \$46.91
 Value: \$6,426.00 Year: 2005 Account # 04-13674 Bill # 9137 Total \$229.06
 Release the value of a mobile home, the Bolton Fire (3.86) and the Columbus Rescue (1.29). The home is double listed in the name of Daniel Brown.

Release the Property Value in the name of Robinson, Dorene Amount: \$53.21
 Value: \$6,822.00 Year: 2004 Account # 04-13674 Bill # 5021 Total \$241.53
 Release the value of a mobile home, the Bolton Fire (4.09) and the Columbus Rescue (1.36). The home is double listed in the name of Daniel Brown.

Release the Property Value in the name of Robinson, Dorene Amount: \$56.94
 Value: \$7,300.00 Year: 2002 Account # 04-13674 Bill # 8009 Total \$246.06
 Release the value of a mobile home, the Bolton Fire (4.38) and the Columbus Rescue (1.46). The home is double listed in the name of Daniel Brown.

Release the Property Value in the name of Robinson, Dorene Amount: \$60.53
 Value: \$7,760.00 Year: 2001 Account # 04-13674 Bill # 976 Total \$238.41

Release the value of a mobile home, the Bolton Fire (4.66) and the Columbus Rescue (1.55). The house is double listed in the name of Daniel Brown.

Release the Property Value in the name of Robinson, Dorene Amount: \$57.53
 Value: \$7,990.00 Year: 2000 Account # 04-13674 Bill # 214 Total \$193.55
 Release the value of a mobile home and the Bolton Fire. The house is double listed in the name of Daniel Brown.

Release the Property Value in the name of Robinson, Dorene Amount: \$52.61
 Value: \$7,570.00 Year: 1998 Account # 04-13674 Bill # 5336 Total \$162.87
 Release the value of a mobile home and the Bolton Fire. The home is double listed in the name of Daniel Brown.

Release the Property Value in the name of Robinson, Dorene Amount: \$52.61
 Value: \$7,570.00 Year: 1999 Account # 04-13674 Bill # 7680 Total \$162.87
 Release the value of a mobile home and the Bolton Fire. The home is double listed in the name of Daniel Brown.

Release the Property Value in the name of Singletary, Albert Amount: \$72.20
 Value: \$8,859.00 Year: 2007 Account # 12-00832 Bill # 3304 Total \$503.89
 Release the value of two mobile homes, the North Whiteville Fire (25.00) the Columbus Rescue (1.77) and W3

(11.52). The homes are double listed in the name of Mack S. Smith.

Release the Property Value in the name of Singletary, Albert	Amount:	\$28.61
Value: \$3,510.00 Year: 2007 Account # 12-25281 Bill # 3305	Total	\$253.40

Release the value of a mobile home, the Evergreen Fire (25.00) the Columbus Rescue (.70) and W2 (3.16). The home is double listed in the same name on a different account number.

Release the Property Value in the name of Stephens, John H.	Amount:	\$52.16
Value: \$6,400.00 Year: 2007 Account # 06-36400 Bill # 5932	Total	\$159.44

Release the value of a home and the Columbus Rescue. The house burned in 2005.

Release the Property Value in the name of Thomas, Eddie	Amount:	\$43.44
Value: \$5,330.00 Year: 2007 Account # 06-05752 Bill # 7546	Total	\$150.50

Release the value of a mobile home and the Columbus Rescue. The home is listed in South Carolina.

Release the User Fee in the name of Grady, Marcella	Amount:	\$0.00
Value: \$0.00 Year: 2006 Account # 09-03717 Bill # 3090	Total	\$193.00

Release user fee. Customer using a commercial hauler.

Release the User Fee in the name of Grady, Marcella	Amount:	\$0.00
Value: \$0.00 Year: 2007 Account # 09-03717 Bill # 3301	Total	\$193.00

Release user fee. Customer using a commercial hauler.

Release the User Fee in the name of Graham, Pauline	Amount:	\$0.00
Value: \$0.00 Year: 2007 Account # 15-16400 Bill # 3577	Total	\$193.00

Release one of five user fees. Customer only has four trash cans.

Release the User Fee in the name of Grainger, Nell S.	Amount:	\$0.00
Value: \$0.00 Year: 2007 Account # 06-16340 Bill # 3763	Total	\$106.00

Release user fee. House is vacant and does not have a trash can.

Release the User Fee in the name of Hammonds, Nancy	Amount:	\$0.00
Value: \$0.00 Year: 2007 Account # 03-04006 Bill # 4774	Total	\$193.00

Release user fee on a house that is vacant has no power and no trash can.

Release the User Fee in the name of Kachiaper, Bernard	Amount:	\$0.00
Value: \$0.00 Year: 2007 Account # 15-21520 Bill # 9686	Total	\$193.00

Release user fee. Mobile home vacant, unlivable and has no trash can.

Release the User Fee in the name of Kelly, Larry	Amount:	\$0.00
Value: \$0.00 Year: 2007 Account # 15-22190 Bill # 9838	Total	\$193.00

Release one of two user fees. One house vacant and does not have a trash can.

Release the User Fee in the name of Nobles, Eula Mae	Amount:	\$0.00
Value: \$0.00 Year: 2007 Account # 13-30420 Bill # 6684	Total	\$193.00

Release the user fee on a house that is vacant and has no trash can.

Release the User Fee in the name of Norris, Johnny	Amount:	\$0.00
Value: \$0.00 Year: 2007 Account # 09-22888 Bill # 7018	Total	\$193.00

Release user fee on a house that is vacant and does not have a trash can.

Release the User Fee in the name of Norris, Johnny M.	Amount:	\$0.00
Value: \$0.00 Year: 2006 Account # 09-22888 Bill # 6647	Total	\$193.00

Release user fee. House is vacant and does not have a trash can.

Release the User Fee in the name of Oak Bark Corporation	Amount:	\$0.00
Value: \$0.00 Year: 2007 Account # 15-04159 Bill # 7265	Total	\$386.00

Release both user fees. Customer using a commercial hauler.

Release the User Fee in the name of Oak Bark Corporation	Amount:	\$0.00
Value: \$0.00 Year: 2007 Account # 15-04159 Bill # 7264	Total	\$193.00

Release user fee. Using a commercial hauler.

Release the User Fee in the name of Stocks, R. Darryl	Amount:	\$0.00
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Value: \$0.00 Year: 2007 Account # 01-01068 Bill # 6288 Total \$193.00
 Release user fee. House is vacant and does not have a trash can.

C. Amendments to the November 19, 2007 Tax Releases:

Release the value of a mobile home in the name of Steven Duncan. The year should be 2006 instead of 2007.

Release the value of equipment in the name of GE Capital Info. Tech. Solutions. The district amount of (\$.47) is for the Columbus Rescue.

Release the property value in the name of John H. Jacobs for the year 2007. The account number is 15-19940 instead of 15-16640.

Release the value of a mobile home in the name of Joe Steven Long, Jr., for the year 2003, the bill number should be 50136 instead of 10355.

Release the property value in the name of Robert Moore, Jr. For the year 2006, the amount to release should be \$47.43 instead of \$47.47.

Release the value of a mobile home in the name of Joe Steven Long, Jr. For the year 2002, the amount of district to release should be \$14.94 instead of \$14.98.

Release the value of a mobile home in the name of Eddie Thomas. The district amount to release should be \$1.07 instead of \$1.06.

RECESS REGULAR SESSION and enter into COLUMBUS COUNTY WATER and SEWER DISTRICT V BOARD MEETING:

At 7:52 P.M., Commissioner Memory made a motion to recess Regular Session and enter into a Columbus County Water and Sewer District V Board Meeting, seconded by Commissioner Norris. The motion unanimously passed.

AGENDA ADD-ON:

Columbus County Water and Sewer District V - Approval and Adoption of the following Ten (10) Documents for Supplemental Grant from the Rural Center:

1. **Capital Reserve Fund Resolution;**
2. **Certification by Chief Elected Official;**
3. **Authorizing Resolution by Governing Body of the Applicant;**
4. **Continuing Inflow & Infiltration Maintenance Program;**
5. **Resolution of MBE Percentage Goal;**
6. **Letter to Julie Haigler-Cubeta (NC State Plumbing Code);**
7. **Resolution Prohibiting Conflicts of Interest;**
8. **Resolution to Establish a Clean Water Conservation Program;**
9. **Supplemental Program Memorandum of Understanding Between North Carolina Economic Rural Center and Columbus County; and**
10. **Water Conservation Incentive Rate Structure.**

Leroy Sellers, Public Utilities Director, requested Board approval and adoption of the above listed ten (10) preliminary documents that are required prior to completing the application for a Supplemental Grant from the Rural Center, that is being handled by Hobbs and Upchurch.

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

Agenda Item #26: COMMENTS:

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

B. Department Heads:

Ed Worley (Aging): Today we had a Senior Information Center at Southeastern Community College and Commissioner Gore and Vice Chairman Prevatte were there. It was very

successful, we listened to Congressman McIntyre, and it was very informative and a blessing to our senior citizens.

C. Board of Commissioners:

Chairman Sammie Jacobs: stated the following:

1. I met with Judge Sasser today in his office and he is very concerned with the security, safety and housing at the Columbus County Courthouse;
2. Judge Sasser is willing to work with us to find the most reasonable and workable solution to the problems that are being experienced;
3. I would like for three (3) County Commissioners to meet with Judge Sasser, three (3) of his Court Staff and representatives from the State to address these problems;
and
4. Commissioner Norris and Commissioner Gore have agreed to serve on this committee, and I will serve, and we need to make this in a formal motion.

Commissioner Memory made a motion to appoint Chairman Sammie Jacobs, Commissioner Lynwood Norris and Commissioner Ronald Gore to serve on a committee with Judge Sasser and three (3) of his Court Staff, and representatives from the State, to address the needs and problems at the Columbus County Courthouse, seconded by Commissioner McKenzie. The motion unanimously passed.

RECESS REGULAR SESSION and enter into CLOSED SESSION in ACCORDANCE with N.C.G.S. § 143-318.11 (6) PERSONNEL:

At 7:59 P.M., Commissioner Memory made a motion to recess Regular Session and enter into Closed Session in accordance with N.C.G.S. § 143-318.11 (6) Personnel, seconded by Commissioner Norris. The motion unanimously passed.

Agenda Item #27: CLOSED SESSION in ACCORDANCE with N.C.G.S. § 143-318.11 (6) PERSONNEL:

No official action was taken.

ADJOURN CLOSED and resume REGULAR SESSION:

At 9:00 P.M., Commissioner Bullard made a motion to adjourn Closed Session and resume Regular Session, seconded by Commissioner Gore. The motion unanimously passed.

Agenda Item #28: ADJOURNMENT:

At 9:03 P.M., Commissioner Memory made a motion to adjourn, seconded by Commissioner Norris. The motion unanimously passed.

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, November 19, 2007
7:49 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:

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

MEETING CALLED TO ORDER:

At 7:49 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: WATER BOARDS' MINUTES APPROVAL:

Commissioner Norris made a motion to approve the following Water Boards' Minutes, seconded by Commissioner McKenzie. The motion unanimously carried.

November 05, 2007 **Combination Meeting** of Columbus County Water and Sewer District I, II, III, IV and V Board Meeting (**5 sets**).

Agenda Item #21: COLUMBUS COUNTY WATER and SEWER DISTRICT I - APPROVAL of ADJUSTMENTS to OCTOBER, 2007 WATER BILLS:

Leroy Sellers, Public Utilities Director, requested Board approval of the following adjustments to the October, 2007 water bills for Columbus County Water and Sewer District I.

DATE	ACCOUNT #	ACCT NAME	ADJUSTMENT	REASON FOR ADJUSTMENT
10/1/07	203160	DINAH THOMPKINS	39164-	METER READ WRONG
10/2/07	301390	C B BULLOCK	68.00-	METER READ WRONG
10/8/07	206553.0098	BARBARA BYRD	39976.00-	METER READ WRONG
10/8/07	302679.00 98	SUZANNE FAIR	21.00+	CREDIT REFUNDED
10/8/07	206550	WALTER WRIGHT	33.00+	MANUAL BILL
10/9/07	600140	PATRICK MILLIAGAN	50.00+	METER TAMPERING
10/12/07	207960	CASSANDRA HEMINGWAY	3472-	METER READ WRONG
10/12/07	402020	CURTIS NEALEY	208.20-	BILLING ERROR
10/15/07	104000	ROGER THOMAS	50.00+	METER TAMPERING
10/18/07	303740	JASON & SHAWN ELLIOT	5.00-	LATE PEN WAIVED

10/18/07	101320	BECKY HEWETT	50.00+	METER TAMPERING
10/18/07	101565	MCIKEY LAWSON	50.00+	METER TAMPERING
10/18/07301845		CHARLOTTE ROCKWELL	50.00+	METER TAMPERING
10/18/07207930		ULYSSES BALDWIN	35693.00-	METER READ WRONG
10/23/07405065		JEFFERY & TAMMY NORRIS	30.00-	WAIVED CUT OFF FEE
10/25/07200470		HENRY MILLIGAN	30.00-	CUT OFF FEE APPLIED IN ERROR
10/26/07201370		DONALD WILLIAMS	50.00+	METER TAMPERING
10/25/07104370		DAVID FRIEL	30.00-	CUT OFF FEE WAIVED
TOTAL			\$(118,322.20)	

Commissioner Norris made a motion to approve the October, 2007 adjustments to the Columbus County Water and Sewer District I water bills, seconded by Commissioner McKenzie. The motion unanimously passed.

Agenda Item #22: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V COMBINATION MEETING - APPROVAL and ADOPTION of the REVISED WATER EMERGENCY ORDINANCE and the REVISED WATER SHORTAGE RESPONSE PLAN:

Leroy Sellers, Public Utilities Director, requested Board approval and adoption of the **REVISED** Water Emergency Ordinance, and Board approval of the **REVISED** Water Shortage Response Plan that is required by the State. This will be the first reading of this **REVISED** Ordinance.

WATER EMERGENCY ORDINANCE

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Water Emergency Ordinance

A. Introduction

The County's Public Utilities Department (henceforth referred to as the "Department") and the Board of County Commissioners (henceforth referred to as the "Commissioners") shall have the charge to protect the County's public water supply and to ensure that the benefactors of this system are assured an adequate supply of water even in times of water shortage. Water shortage can be the result of climatic conditions causing drought or it may be the result of a physical breach in the County's water supply system (i.e., mechanical failure, cut or broken water main, etc.) impeding the flow of potable or raw water supply.

B. Definitions

1. **"Water Shortage"** - The result of climatic conditions causing drought or the result of a physical breach in the County's water supply system (i.e. mechanical failure, cut or broken water main, etc.) impeding the flow of potable or raw water supply.
2. **"Water Production Capacity"** - The maximum volume of water that meets or exceeds state and federal standards that the water treatment process can produce during a twenty-four (24) hour period.
3. **"Stage 1 - Water Conservation Alert"** - An immediate water shortage declared by appropriate state and/or local officials or when there are three (3) consecutive days when water demand exceeds eighty percent (80%) of the water production capacity.
4. **"Stage 2 - Water Shortage Warning"** - An immediate water shortage declared by appropriate state and/or local officials or when there are two (2) consecutive days when water demand exceeds ninety percent (90%) of the water production capacity.
5. **"Stage 3 - Water Shortage Danger"** - An immediate water shortage declared by appropriate state and/or local officials or when there is one (1) day when water demand exceeds one hundred percent (100%) of the water production capacity.

C. Water Emergency Response and Management

1. Declaration of Water Emergency

The Director or his authorized representative is authorized to declare that a water emergency exists. Depending on the severity of the emergency, voluntary (Stage 1) and mandatory (Stage 2 and Stage 3) staged water use restrictions as described in this ordinance shall be imposed upon all water customers.

2. Staged Water Use Restrictions

A. *Stage 1 – Water Shortage Emergency*

A Stage 1 Water Shortage Emergency may be declared in the event of an immediate water shortage, as so declared by state and/or local officials, or when there are three (3) consecutive days when water demand exceeds eighty percent (80%) of the water production capacity. Water production capacity shall be defined as the maximum volume of water that meets or exceeds state and federal standards that the water treatment process can produce during a twenty-four (24) hour period. Water production capacity can vary depending on system component reliability and/or raw water conditions. During a declared Stage 1 Water Shortage Emergency the following voluntary water conservation practices shall be encouraged:

1. Inspect and repair all faulty and defective parts of faucets and toilets.
2. Use showers for bathing rather than the bathtub and limit showers to no more than five (5) minutes.
3. Do not leave faucets running while shaving, brushing teeth, rinsing or preparing food.
4. Limit the use of dishwashers and washing machines and when used, operate fully loaded. Operate dishwashers and washing machines after the peak demand hours of 6:00 P.M. to 10:00 P.M.
5. Limit lawn watering to that necessary for plant survival. Water lawns before the peak demand hours of 6:00 A.M. to 10:00 A.M.
6. Shrubbery should be watered at the minimum required amounts. Water shrubbery before the peak demand hours of 6:00 A.M. to 10:00 A.M.
7. Limit vehicle washing to a minimum.
8. Do not wash down outside areas such as sidewalks, driveways, patios, etc.
9. Install water saving showerheads and other water conservation devices.
10. Use disposable and biodegradable dishes where possible.
11. Install water saving devices in toilets such as early closing flappers.
12. Limit hours of water-cooled air conditioners.
13. Do not fill swimming or wading pools.

B. Stage 2 - Water Shortage Emergency

A Stage 2 Water Shortage Emergency watch may be declared in the event of an immediate water shortage, as so declared by state and/or local officials, or when there are two (2) consecutive days when water demand exceeds ninety percent (90%) of the water production capacity. Water production capacity shall be defined as the maximum volume of water that meets or exceeds state and federal standards that the water treatment process can produce during a twenty-four (24) hour period. Water production capacity can vary depending on system component reliability and/or raw water conditions. During a declared Stage 2 Water Shortage Emergency the following activities shall be prohibited:

1. Watering lawns, grass, shrubbery, trees, flower and vegetable gardens except by handheld hoses, containers, or drip irrigation systems. A person who regularly sells plants will be permitted to use water on their commercial stock only. Golf courses are allowed to irrigate using water from storm water ponds, wastewater effluent, and irrigation wells only. State and County licensed landscape contractors may water any plants by handheld hoses or drip irrigation systems under a written warranty.
2. Filling swimming or wading pools, either newly constructed or previously drained.
3. Using water-cooled air conditioners or other equipment, in which cooling water is not recycled, unless there are health or safety concerns.
4. Washing any type of mobile equipment including cars, trucks, trailers, boats or airplanes. Businesses that provide car washing or detailing services and automobile dealers in preparation of sales or delivery may continue to operate. The cleaning of emergency vehicles, garbage trucks, and similar vehicles are excluded if it is necessary to preserve public health or vehicle functions.
5. Washing outside surfaces such as streets, driveways, service station aprons, parking lots or patios. Businesses that provide a service of washing the exterior of homes and other buildings will be an exception.
6. Washing the exterior of office buildings, homes, or apartments. Businesses that provide a service of washing the exterior of homes and other buildings will be an exception.
7. Using water for any ornamental fountain, pool, pond, etc.
8. Serving drinking water in food establishments such as restaurants or cafeterias, unless requested to do so by a customer.

9. Using water from a public or private fire hydrant for any reason other than to suppress a fire or other public emergency or as authorized by the Director or his authorized representative.
10. Using water to control or compact dust.
11. Intentionally wasting water.
12. Commercial and industrial water customers shall achieve mandatory reductions in water usage through whatever means are available. A minimum reduction of twenty percent (20%) shall be the target; however, a greater target reduction percentage may be required depending on the severity of the water shortage emergency. Compliance with the reduction target shall be determined by the Director or his authorized representative. Variances to the target reduction may be granted by the Director or his authorized representative to designated public health facilities.

C. **Stage 3 - Water Shortage Emergency**

A Stage 3 Water Shortage Emergency warning may be declared in the event of an immediate water shortage, as so declared by state and/or local officials, or when there is one (1) day when water demand exceeds one hundred percent (100%) of the water production capacity. Water production capacity shall be defined as the maximum volume of water that meets or exceeds state and federal standards that the water treatment process can produce during a twenty-four (24) hour period. Water production capacity can vary depending on system component reliability and/or raw water conditions. During a declared Stage 3 Water Shortage Emergency the following activities shall be prohibited, in addition to activities prohibited under Stage 2:

1. Watering lawns, grass, shrubbery, trees, and flowers. Plant nurseries will be permitted to irrigate their products only. State and County Licensed Landscape Contractors may water newly installed landscaping by handheld hoses or drip irrigation systems under a written warranty. Golf courses are allowed to irrigate using water from storm water ponds, wastewater effluent, and irrigation wells only.
2. Washing any type of mobile equipment including cars, trucks, trailers, boats, airplanes, etc. Businesses that provide car washing or detailing services and automobile dealers in preparation of sales or delivery may continue to operate. The cleaning of emergency vehicles, garbage trucks, and similar vehicles are excluded if necessary to preserve public health or vehicle functions.
3. Watering any vegetable garden except by handheld hoses, containers, or drip irrigation systems.
4. Commercial and industrial water customers shall achieve mandatory

reductions in water usage through whatever means are available. A minimum reduction of fifty percent (50%) shall be the target; however, a greater target reduction percentage may be required depending on the severity of the water emergency. Compliance with the reduction target shall be determined by the Director or his authorized representative. Variances to the target reduction may be granted by the Director or his authorized representative to designated Public Health facilities.

5. In the event that the prohibition of the activities listed above is not sufficient to maintain an adequate supply of water for fire protection, all use of water for purposes other than maintenance of public health and safety shall be prohibited. Residential water use shall be limited to the amount necessary to sustain life through drinking, food preparation, and personal hygiene.

3. *Compliance Plan During Stage 2 and Stage 3 Emergencies*

The Director or his authorized representative may require that commercial and industrial water customers prepare plans detailing measures to be taken by them to achieve mandatory reductions in daily water usage during Stage 2 and Stage 3 emergencies. Such plans shall be completed within sixty (60) calendar days after receipt of notice to prepare them.

4. *Penalties for Violation of Mandatory Restrictions*

Any user who is found to have failed to comply with any of the mandatory restrictions set forth herein these Regulations may be fined in accordance with North Carolina General Statute 153A-123© in conjunction with North Carolina General Statute Section 14-4, attached hereto and incorporated herein by reference as Exhibits A and B. The amount of the fine is to be set greater than \$50.00 (fifty dollars) by the Columbus County Board of Commissioners and recorded with the Clerk to the Board. This is to be recovered by the County in a civil action in the nature of debt if the offender does not pay the penalty within fifteen (15) calendar days of being cited for the violation. Each day's continuing violation shall be considered as a separate and distinct offense.

5. *Authority to Discontinue Service*

Pursuant to the provisions of North Carolina General State 153A-123, water service may be temporarily discontinued for a reasonable amount of time for failure to comply with the mandatory restrictions in this ordinance. All applicable penalty fees may be applied in the event of such service suspensions. In the event of continued non-compliance with this ordinance, after a reasonable amount of time, removal of meter and service will be deemed proper and service will be discontinued. Any and all tap fees and account deposits will be forfeited.

6. *Appeals by Customers of Penalties and Termination of Service*

Any user who received a penalty and/or has service terminated as a result of

violations of the mandatory restrictions in this ordinance may appeal upon notification to the Director. The Director shall be the final decision maker for appeals and shall transmit a written copy of the final decision by United States certified mail to said user or user’s agent within three (3) calendar days after notification.

7. Adoption and Enforcement of Ordinance by Public or Private Water System

Unless enforcement will breach previous agreement, public or private water systems purchasing water from the County shall adopt and enforce this entire ordinance as a condition of water service. Upon declaration of a water shortage emergency, the public or private water systems shall, within a reasonable amount of time, enforce the appropriate water use restrictions for the level of declared emergency.

8. Termination of Restrictions

A water emergency declaration will expire when the Director or his authorized representative determines that, based upon reasonable information, the condition that caused the emergency has abated. The expiration or cancellation of a water shortage emergency declaration shall, within a reasonable amount of time and with reasonable means, be promptly and extensively publicized.

9. Effective Date

This Ordinance shall have an effective date as of the signature of the Chairman of the Columbus County Board of Commissioners.

Columbus County Board of Commissioners
/s/ **JAMES E PREVATTE**, Chairman
Date Signed: December 03, 2007

Attested by:
/s/ **JUNE B. HALL**, Clerk to the Board

The above Ordinance was passed by the Columbus County Board of Commissioners on December 03, 2007, upon motion by Commissioner Amon E. McKenzie, seconded by Commissioner Ronald Gore and passed unanimously, and recorded in the minutes of said meeting, Book 30, Pages _____.

Exhibit “A”

N.C. Gen. Stat. § 153-A-123

CHAPTER 153A. COUNTIES

ARTICLE 6. DELEGATION AND EXERCISE OF THE GENERAL POLICE POWER

N.C. Gen. Stat. § 153A-123 (2007)

§ 153A-123. Enforcement of ordinances

- (a) A county may provide for fines and penalties for violation of its ordinances and may secure injunctions and abatement orders to further insure compliance with its ordinances, as provided by this section.
- (b) Unless the board of commissioners has provided otherwise, violation of a county ordinance is a misdemeanor or infraction as provided by G.S. 14-4. An ordinance may provide by express statement that the maximum fine, term of imprisonment, or infraction penalty to be imposed for a violation is some amount of money or number of days less than the maximum imposed by G.S. 14-4.
- (c) An ordinance may provide that violation subjects the offender to a civil penalty to be recovered by the county in a civil action in the nature of debt if the offender does not pay the penalty within a prescribed period of time after he has been cited for violation of the ordinance.
- (c1) An ordinance may provide for the recovery of a civil penalty by the county for violation of the fire prevention code of the State Building Code as authorized under G.S. 143-139.
- (d) An ordinance may provide that it may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such a case, the General Court of Justice has jurisdiction to issue any order that may be appropriate, and it is not a defense to the county's application for equitable relief that there is an adequate remedy at law.
- (e) An ordinance that makes unlawful a condition existing upon or use made of real property may provide that it may be enforced by injunction and order of abatement, and the General Court of Justice has jurisdiction to issue such an order. When a violation of such an ordinance occurs, the county may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular.

In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the cause. An order of abatement may direct that buildings or other structures on the property be closed, demolished, or removed; that fixtures, furniture, or other movable property be removed from buildings on the property; that grass and weeds be cut; that improvements or repairs be made; or that any other action be taken that it necessary to bring the property into compliance with the ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt and the county may execute the order of abatement. If the county executes the order, it has a lien on the property, in the nature of a mechanic's and materialman's lien, for the costs of executing the order. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the clerk or superior court in an amount approved by the judge before whom the matter was heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within the time fixed by the judge. Cancellation of an order of abatement does not suspend or cancel an injunction issued in conjunction with the order.

- (f) Subject to the express terms of the ordinance, a county ordinance may be enforced by any one or more of the remedies authorized by this section.

(g) A county ordinance may provide, when appropriate, that each day's continuing violation is a separate and distinct offense.

Exhibit "B"

N.C. Gen. Stat. § 14-4

GENERAL STATUTES OF NORTH CAROLINA

CHAPTER 14. CRIMINAL LAW

SUBCHAPTER 01. GENERAL PROVISIONS

ARTICLE 1. FELONIES AND MISDEMEANORS

N.C. Gen. Stat. § 14-4 (2007)

§ 14-4. Violation of local ordinances misdemeanor

(a) Except as provided in subsection (b), if any person shall violate an ordinance of a county, city, town, or metropolitan sewerage district created under Article 5 of Chapter 162A, he shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$ 500.00) No fine shall exceed fifty dollars (\$ 50.00) unless the ordinance expressly states that the maximum fine is greater than fifty dollars (\$ 50.00).

(b) If any person shall violate an ordinance of a county, city, or town regulating the operation or parking of vehicles, he shall be responsible for an infraction and shall be required to pay a penalty of not more than fifty dollars (\$ 50.00).

Water Shortage Response Plan

1. Purpose

The purpose of the Water Shortage Response Plan is to provide guidance to the Public Utilities staff, County Administration, and the customers of the Columbus County Public Utilities during periods of drought and other events that result in a shortage of potable water. The Water Shortage Response Plan is intended to provide a framework of steps and activities to be implemented as conditions require.

2. Definitions

A. "Water Shortage" - The result of climatic conditions causing drought or the result of a physical breach in the County's water supply system (i.e. mechanical failure, cut or broken water main, etc.) impeding the flow of potable or raw water supply.

B. "Water Production Capacity" - The maximum volume of water that meets or exceeds state and federal standards that the water treatment process can produce during a twenty-four period.

C. "Stage 1 - Water Conservation Alert" - An immediate water shortage declared by appropriate state and/or local officials when there are three (3) consecutive days

when water demand exceeds eighty percent (80%) of the water production capacity.

- D. **“Stage 2 - Water Shortage Warning”** - An immediate water shortage declared by appropriate state and/or local officials or when there are two (2) consecutive days when water demand exceeds ninety percent (90%) of the water production capacity.
- E. **“Stage 3 - Water Shortage Danger”** - An immediate water shortage declared by appropriate state and/or local officials or when there is one (1) day when water demand exceeds one hundred percent (100%) of the water production capacity.

3. **Responsibility for Declaration of a Water Shortage**

Under the County’s current Water Emergency Ordinance, the Director or his authorized representative is authorized to declare that a water emergency exists. Depending on the severity of the emergency, voluntary (Stage 1) and mandatory (Stage 2 and Stage 3) staged water use restrictions as described in this ordinance shall be imposed upon all water. This declaration shall be made after consultation with the Public Utilities staff, County Administration, and County wholesale customers.

4. **Shortage Response Action Levels**

A. ***Stage 1 - Water Shortage Emergency***

A Stage 1 Water Shortage Emergency may be declared in the event of an immediate water shortage, as so declared by state and/or local officials, or when there are three (3) consecutive days when water demand exceeds eighty percent (80%) of the total water plant production capacity. Water production capacity shall be defined as the maximum volume of water that meets or exceeds state and federal standards that the water treatment plant process can produce during a twenty-four (24) hour period. Water production capacity can vary depending on system component reliability and/or raw water conditions or availability.

B. ***Stage 2 - Water Shortage Emergency***

A Stage 2 Water Shortage Emergency may be declared in the event of an immediate water shortage, as so declared by state and/or local officials, or when there are two (2) consecutive days when water demand exceeds ninety percent (90%) of the water production capacity. Water production capacity shall be defined as the maximum volume of water that meets or exceeds state and federal standards that the water treatment process can produce during a twenty-four (24) hour period. Water production capacity can vary depending on system component reliability and/or raw water conditions or availability.

C. ***Stage 3 - Water Shortage Emergency***

A Stage 3 Water Shortage Emergency may be declared in the event of an immediate water shortage, as so declared by state and/or local officials, or when there is one (1) day when water demand exceeds one hundred percent (100%) of the water production capacity. Water production capacity shall be defined as the

maximum volume of water that meets or exceeds state and federal standards that the water treatment process can produce during a twenty-four (24) hour period. Water production capacity can vary depending on system component reliability and/or raw water conditions.

5. **Notification Procedures**

Upon declaration of each stage of Water Shortage Emergency, the following methods may be used to inform the County staff, wholesale customers, County retail customers, and Industrial Customers.

A. Public Notice

The Public Utilities Department staff will draft a Public Notice announcing the Water Shortage Stage (Stage 1, Stage 2, or Stage 3) and the actions that water customers must take to comply with the Water Emergency Ordinance. The Public Notice will be provided by the Director or his authorized representative to all media outlets that serve Columbus County. The Public Notice will include phone numbers that customers may call with questions. Sample public notices for Stage 1, 2, and 3 are attached hereto and incorporated herein by reference as Exhibits A, B, and C, respectively.

B. Wholesale Customer Notification

A copy of the Public Notice will be e-mailed or faxed to the Utilities Director for all of the County's Wholesale Customers. The Public Utilities Director or his authorized representative shall call each wholesale customer to confirm the receipt of the Public Notice and to respond to any questions about the notice.

C. Training County Staff

A copy of the Public Notice will be provided to the staffs of the Utilities Customer Service Division, Columbus County Public Utilities, 612 North Madison Street, and Water Distribution Division. Depending on the stage severity, a list of possible questions with the recommended responses will be provided to the staff likely to receive calls from the public.

D. Direct Mailing to Customers

Depending on the stage severity, the County may elect to send a direct mailing to all County water customers. In the event of an immediate need to reduce water consumption, a notice will be sent to all water customers by reasonable means. An insert to the water bill would be the method of communication.

E. Newspaper Advertisement

Depending on the stage severity, the County may elect to purchase space in the local newspapers to inform the public. The advertisement would include the language included in the Public Notice.

6. Stage Conditions

The basis for the determination of a water emergency shall be the County's ability to provide potable water to its customers. For a Stage 1 Water Shortage Emergency, a declaration will be made when the potable water demand or the anticipated potable water demand will be eighty percent (80%) of the combined treatment capacity of the County's wells in each Water District for more than three (3) consecutive days. If the available raw water supply or the treatment capacity is diminished, the eighty percent (80%) level will be determined based upon the amount of raw water available or treatment capacity available.

For a Stage 2 Water Shortage Emergency, a declaration will be made when the potable water demand or the anticipated potable water demand will be ninety percent (90%) of the combined treatment capacity of the County's wells in each individual water district for more than two (2) consecutive days. If the available raw water supply or the treatment capacity is diminished, the ninety percent (90%) level will be determined based upon the amount of raw water available or treatment capacity available.

For a Stage 3 Water Shortage Emergency, a declaration will be made when the potable water demand or the anticipated potable water demand will be one hundred percent (100%) of the combined treatment capacity of the County's wells in each Water District for more than a twenty-four (24) hour period. If the available raw water supply or the treatment capacity is diminished, the one hundred percent (100%) level will be determined based upon the amount of raw water available or treatment capacity available.

The available raw water supply shall be determined by the capacity of the individual wells in each Water District. The flow is measured at each well.

7. Compliance with the Provisions of the Plan

The water plant staff shall monitor potable water levels pumped into the system at the plant and at the booster pump stations to determine the overall demand. By comparing the flow records prior to issuance of the declaration, the staff can determine the level of compliance in each of the pressure zones associated with the booster pump station. The water distribution staff will concentrate its efforts in those areas identified by the plants with the highest levels of apparent non-compliance. The distribution staff will attempt to educate those property owners who are not in compliance with the declaration. After one warning, property owners would be fined for non-compliance.

8. Plan Review and Adoption

The draft Water Shortage Response Plan will be provided to the County Public Utilities staff for review and comment prior to passage by the Board of County Commissioners. After those comments have been addressed, copies will be provided to the County Manager, and the Customer Service Manager. A draft copy of the plan will be submitted to North Carolina Department of Environment and Natural Resources (NC DENR) for review and approval. Once all comments have been received and addressed by the County Manager, Customer Service Manager, and NC DENR, a final draft would be sent to the Board of Commissioners for review. The final document would be sent to the Board of Commissioners for approval. Amendments to the plan would follow the same process with

the Board of Commissioners approval required for all amendments.

9. Variances

All appeals for a variance must be submitted to the Director of Public Utilities in writing. The Director of Public Utilities will review the request and the following criteria will be used to determine if a variance can be granted:

- A. Impact on the overall water conservation goals
- B. Potential property damage
- C. Potential alternative sources of water supply
- D. Volume of water to be consumed
- E. Duration of usage
- F. Number of similarly situated property owners

The Director of Public Utilities must provide a written determination on the request for a variance within three (3) working days of the receipt of the variance. If the request for a variance is denied, the property owner has the right to appeal the determination to the Board of Commissioners. The Board of Commissioners would hear the appeal at the next regularly scheduled meeting provided the appeal request is received at least seven (7) days in advance of the next meeting.

10. Evaluation

During the declaration of the Water Shortage Emergency, the County Public Utilities staff will monitor the water usage. The pre-declaration usage will be compared to the post-declaration usage to determine an overall percentage reduction in demand. If the desired reduction in demand has not occurred, changes in the plan or enforcement of the plant will be recommended.

After the water shortage event has concluded, a post-event evaluation will be conducted. Changes in the Water Shortage Response plan will be recommended to the Board of Commissioners based upon the problems and issues that were discovered during the event.

11. Effective Date

This Plan shall have an effective date as of the signature of the Chairman of the Columbus County Board of Commissioners.

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

Attested By:

/s/ June B. Hall, Clerk to the Board

The above Plan was passed by the Columbus County Board of Commissioners on November 19, 2007, upon motion by Commissioner McKenzie, seconded by Commissioner Gore, and passed unanimously, and recorded in the minutes of said meeting, Book 30, Page _____.

Exhibit A
Stage 1 Water Shortage Emergency
Public Notice

Due to the current unprecedented demand for water, Columbus County Public Utilities has declared a Stage 1 Water Shortage Emergency for all Columbus County Public Utilities Customers. Since the Memorial Day holiday weekend, an average of .5 mgd has been consumed by Columbus County's retail customers, industrial customers, and the customers of municipalities served by the County through wholesale water agreements. The peak usage during this period was .7 mgd.

Most of the increase in water consumption during the recent months is attributable to an increase in demand for irrigation due to the drought conditions being experienced throughout the Southeast. During a Stage 1 Water Shortage Emergency, customers are asked to voluntarily conserve water.

Suggested Conservation Methods Include:

- ***Reduce Unnecessary Water Usage:***
Use shower for bathing rather than bathtub and limit shower to no more than five (5) minutes. Do not leave faucets running while shaving, brushing teeth, rinsing or preparing food. Limit hours of water-cooled air conditioners. Do not fill swimming or wading pools. Limit vehicle washing to a minimum.
- ***Irrigate During Off Peak Hours:***
Peak demand for water is between 6:00 A.M. to 10:00 A.M. and 4:00 P.M. to 6:00 P.M. If irrigation is necessary for shrubbery or lawns, irrigate during off peak times.
- ***Check for Leaks and Repair Leaks Immediately:***
Leaks such as running toilets and dripping faucets should be repaired immediately to reduce water consumption.
- ***Do Not Wash Down Outside Areas Such As Driveways, Sidewalks, Patios, Etc.***
- ***Use Heavy Water-Using Appliances During Off Peak Hours:***
Appliances such as dishwashers and washing machines should be run during off peak times to reduce peak demand.
- ***Install Water Conservation Devices:***
Install Water Conservation Devices such as water saving showerheads and early closing flappers for toilets.

If the drought continues and the demand for water continues to increase, the County may implement additional mandatory water conservation measures. If you have any questions regarding this public notice, please contact the County's Public Utilities Department at 910-642-5257 or 910-642-2828.

This Stage 1 Water Shortage Emergency does not affect water use restrictions issued by other utilities in Columbus County.

Exhibit B
Stage 2 Water Shortage Emergency
Public Notice

Due to the continued drought, Columbus County Public Utilities has now declared a Stage 2 Water Shortage Emergency watch for all Columbus County Public Utilities Customers. Water levels in the Lower Cape Fear River have continued to decrease and the long-range forecast indicated less than normal rainfall amounts. The Governor has urged all state citizens to reduce water consumption during this period of extreme drought.

The demand for water continues at higher than normal levels due to an increase in demand for irrigation due to the drought conditions. During a Stage 2 Water Shortage Emergency watch, customers are prohibited from certain water consuming activities. All residents, businesses, and industries are urged to conserve water during this period.

The following activities are prohibited except as where noted:

Irrigation of residential and commercial landscaping including lawns, grass, shrubbery, trees, flower and vegetable gardens

Exceptions

1. Irrigation using handheld hoses, containers, and drip irrigation systems will be allowed.
2. Plant nurseries will be permitted to irrigate their products only.
3. State and County Licensed Landscape Contractors may water newly installed landscaping by handheld hoses or drip irrigation systems under a written warranty.
4. Golf Courses are allowed to irrigate using water from storm water ponds, wastewater effluent and irrigation wells only.

Washing of any type of mobile equipment including cars, trucks, trailers, boats, airplanes, etc.

Exceptions

1. Businesses that provide car washing or detailing services.

2. Automobile dealers in preparation of sales or delivery.
3. Cleaning of emergency vehicles, garbage trucks and similar vehicles if needed to preserve public health or vehicle function.

Using water to wash outside surfaces such as streets, driveways, parking lots, patios, service station aprons, exterior of office buildings, homes, or apartments

Exceptions

1. Businesses that provide a service of washing the exterior of homes and other buildings.

Using water for any ornamental fountain, pool, pond, etc.

Serving drinking water in restaurants unless specifically requested by the customer

Using potable water for dust control

Filling swimming or wading pools, either newly constructed or previously drained

Exceptions

1. Make up water for pools in operation will be allowed

Using water-cooled air conditioners or other equipment, in which cooling water is not recycled, unless there are health or safety concerns

Using water from a public or private fire hydrant for any reason other than to suppress a fire or other public emergency or as authorized by the Director or his authorized representative

Intentionally wasting water

Commercial and Industrial Water Customers shall achieve mandatory reductions in water usage through whatever means are available. A minimum reduction of twenty percent (20%) shall be the target; however, a greater target reduction percentage may be required depending on the severity of the Water Shortage Emergency. Compliance with the reduction target shall be determined by the Director or his authorized representative. Variances to the target reduction may be granted by the Director or his authorized representative to designated Public Health facilities.

Property owners that use wells for potable water and/or irrigation are also urged to conserve water during this period of drought but are not subject to these restrictions.

Violators are subject to a civil citation of \$500.00 per offense per day.

Repeat offenders may have their water service disconnected.

To report violations of this Water Shortage Emergency watch, please contact the County's

Public Utilities Department at 910-642-5257 or e-mail the County at carmelawilliams@columbusco.org. Please provide the time, date, and violation location.

Exhibit C
Stage 3 Water Shortage Emergency
Public Notice

Due to an immediate water shortage, Columbus County Public Utilities has now declared a Stage 3 Water Shortage Emergency warning for all Columbus County Public Utilities Customers. Water levels in the Lower Cape Fear River have continued to decrease and the long-range forecast indicated less than normal rainfall amounts. The Governor has urged all state citizens to reduce water consumption during this period of extreme drought.

The demand for water continues at higher than normal levels due to an increase in demand for irrigation due to the drought conditions. During a Stage 3 Water Shortage Emergency warning, the following activities shall be prohibited, in addition to the activities prohibited under the Stage 2 Water Shortage Emergency:

The following activities are prohibited except as where noted:

Irrigation of residential and commercial landscaping including lawns, grass, shrubbery, trees, flower and vegetable gardens

Exceptions

1. Irrigation using handheld hoses, containers, and drip irrigation systems will be allowed.
2. Plant nurseries will be permitted to irrigate their products only.
3. State and County Licensed Landscape Contractors may water newly installed landscaping by handheld hoses or drip irrigation systems under a written warranty.
4. Golf Courses are allowed to irrigate using water from storm water ponds, wastewater effluent and irrigation wells only.

Washing of any type of mobile equipment including cars, trucks, trailers, boats, airplanes, etc.

Exceptions

1. Businesses that provide car washing or detailing services.
2. Automobile dealers in preparation of sales or delivery.
3. Cleaning of emergency vehicles, garbage trucks and similar vehicles if needed to preserve public health or vehicle functions.

Watering any vegetable garden except by handheld hoses, containers, or drip irrigation systems.

Commercial and Industrial Water Customers shall achieve mandatory reductions in water usage

through whatever means are available. A minimum reduction of fifty percent (50%) shall be the target; however, a greater target reduction percentage may be required depending on the severity of the Water Shortage Emergency. Compliance with the reduction target shall be determined by the Director or his authorized representative. Variances to the target reduction may be granted by the Director or his authorized representative to designated Public Health facilities.

In the event that the prohibition of the activities listed above is not sufficient to maintain an adequate supply of water for fire protection, all use of water for purposes other than maintenance of public health and safety shall be prohibited. Residential water use shall be limited to the amount necessary to sustain life through drinking, food preparation, and personal hygiene.

Property owners that use wells for potable water and/or irrigation are also urged to conserve water during this period of drought but are not subject to these restrictions.

Violators are subject to a civil citation of \$500.00 per offense per day.

Repeat offenders may have their water service disconnected.

To report violations of this Water Shortage Emergency watch, please contact the County's Public Utilities Department at 910-642-5257 or e-mail the County at carmelawilliams@columbusco.org. Please provide the time, date, and violation location.

Commissioner McKenzie made a motion to approve the **Revised** Water Emergency Ordinance and the **Revised** Water Shortage Response Plan, seconded by Commissioner Gore. The motion unanimously passed.

ADJOURNMENT:

At 7:50 P.M., Commissioner McKenzie made a motion to adjourn, seconded by Commissioner Norris. 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, November 19, 2007
7:49 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:

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

MEETING CALLED TO ORDER:

At 7:49 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: WATER BOARDS' MINUTES APPROVAL:

Commissioner Norris made a motion to approve the following Water Boards' Minutes, seconded by Commissioner McKenzie. The motion unanimously carried.

November 05, 2007 **Combination Meeting** of Columbus County water and Sewer District I, II, III, IV and V Board Meeting (5 sets).

Agenda Item #21: COLUMBUS COUNTY WATER and SEWER DISTRICT II - APPROVAL of ADJUSTMENTS to OCTOBER, 2007 WATER BILLS:

Leroy Sellers, Public Utilities Director, requested Board approval of the following adjustments to the October, 2007 water bills for Columbus County Water and Sewer District II.

DATE	ACCOUNT #	ACCT NAME	ADJUSTM	REASON FOR ADJUSTMENT
10/1/07	141460	TERRY BENTON	12.00-	BILLING ERROR
10/1/07	120755	WAYNE WILLIAMSON	25.00-	BILLING ERROR
10/1/07	144345	LORENE MAHONEY	129.00+	MANUAL BILL & TAP FEE
10/2/07	111801	JOESPH SUMPTER	696.00-	METER READ WRONG
10/2/07	130990	BEATRICE YATES	105.00-	BILLING ERROR
10/2/07	140815	WENDY MCKENIZE	35.00-	PENALTY & CUT FEE WAIVED
10/2/07	111365	JONATHAN CARTRETTE	39588-	METER READ WRONG

10/2/07	141705	JOHNNY FAIRFAX	39848.00	METER READ WRONG
10/4/07	122634	DOUG KLIER	25.00+	RECONNECT FEE
10/4/07	130850	ELOIS RABON	22.00-	CUST LEAK
10/8/07	143790-00 96	WILLIAM CARLYLE	45.00+	MANUAL BILL
10/8/07	122600	ROBERT MATHESON	566.00-	BILLING ERROR
10/9/07	111728	COKE COMPANY	36,000-	METER READ WRONG
10/12/07	131670	ALLEN PREVATTE	4.00-	METER READ WRONG
10/12/07	121130	PEGGY GERALD	128.00-	CUST LEAK
10/12/07	122230	B J BATTEN	18.33-	BILLING ERROR
10/16/07	143189	DRENA BARNHILL	12.00-	CUST LEAK
10/17/07	131420	ROBERT NANCE	21.00-	BILLING ERROR & PENALTY WAIVED
10/18/07	130134	WVOE	5.00-	PENALTY WAIVED
10/18/07	142198	JAMES THOMPSON	50.00+	METER TAMPERING
10/18/07	110760	TOMMY HAMMOND	50.00+	METER TAMPERING
10/18/07	110760	TOMMY HAMMOND	39385-	METER READ WRONG
10/18/07	143020	CRYSTAL GADDY	38212-	METER READ WRONG
10/18/07	143020	CRYSTAL GADDY	50.00+	METER TAMPERING
10/18/07	131160	MIKE JOLLY	25.00+	DISCONNECT FEE
10/22/07	142845	RUTH MORGAN	300.00+	TAP FEE
10/23/07	131305	ENOCH SINGLETARY	35.00-	CUT OFF & PEN FEE Waived
10/22/07	120046	JACQUILINE WOOTEN	30.00-	CUT OFF FEE WAIVED
10/31/07	140345	JEFF GUYTON	50.00+	METER TAMPERING
TOTAL			\$(194,023.33)	

Commissioner Norris made a motion to approve the October, 2007 Adjustments to the Columbus County Water and Sewer District II Water bills, seconded by Commissioner McKenzie. The motion unanimously passed.

Agenda Item #22: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V COMBINATION MEETING - APPROVAL and ADOPTION of the REVISED WATER EMERGENCY ORDINANCE and the REVISED WATER SHORTAGE RESPONSE PLAN:

Leroy Sellers, Public Utilities Director, requested Board approval and adoption of the **REVISED** Water Emergency Ordinance, and Board approval of the **REVISED** Water Shortage Response Plan that is required by the State. This will be the first reading of this **REVISED** Ordinance.

WATER EMERGENCY ORDINANCE

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Water Emergency Ordinance

A. Introduction

The County's Public Utilities Department (henceforth referred to as the "Department") and the Board of County Commissioners (henceforth referred to as the "Commissioners") shall have the charge to protect the County's public water supply and to ensure that the benefactors of this system are assured an adequate supply of water even in times of water shortage. Water shortage can be the result of climatic conditions causing drought or it may be the result of a physical breach in the County's water supply system (i.e., mechanical failure, cut or broken water main, etc.) impeding the flow of potable or raw water supply.

B. Definitions

1. **"Water Shortage"** - The result of climatic conditions causing drought or the result of a physical breach in the County's water supply system (i.e. mechanical failure, cut or broken water main, etc.) impeding the flow of potable or raw water supply.
2. **"Water Production Capacity"** - The maximum volume of water that meets or exceeds state and federal standards that the water treatment process can produce during a twenty-four (24) hour period.
3. **"Stage 1 - Water Conservation Alert"** - An immediate water shortage declared by appropriate state and/or local officials or when there are three (3) consecutive days when water demand exceeds eighty percent (80%) of the water production capacity.
4. **"Stage 2 - Water Shortage Warning"** - An immediate water shortage declared by appropriate state and/or local officials or when there are two (2) consecutive days when water demand exceeds ninety percent (90%) of the water production capacity.
5. **"Stage 3 - Water Shortage Danger"** - An immediate water shortage declared by appropriate state and/or local officials or when there is one (1) day when water

demand exceeds one hundred percent (100%) of the water production capacity.

C. **Water Emergency Response and Management**

1. **Declaration of Water Emergency**

The Director or his authorized representative is authorized to declare that a water emergency exists. Depending on the severity of the emergency, voluntary (Stage 1) and mandatory (Stage 2 and Stage 3) staged water use restrictions as described in this ordinance shall be imposed upon all water customers.

2. **Staged Water Use Restrictions**

A. **Stage 1 – Water Shortage Emergency**

A Stage 1 Water Shortage Emergency may be declared in the event of an immediate water shortage, as so declared by state and/or local officials, or when there are three (3) consecutive days when water demand exceeds eighty percent (80%) of the water production capacity. Water production capacity shall be defined as the maximum volume of water that meets or exceeds state and federal standards that the water treatment process can produce during a twenty-four (24) hour period. Water production capacity can vary depending on system component reliability and/or raw water conditions. During a declared Stage 1 Water Shortage Emergency the following voluntary water conservation practices shall be encouraged:

1. Inspect and repair all faulty and defective parts of faucets and toilets.
2. Use showers for bathing rather than the bathtub and limit showers to no more than five (5) minutes.
3. Do not leave faucets running while shaving, brushing teeth, rinsing or preparing food.
4. Limit the use of dishwashers and washing machines and when used, operate fully loaded. Operate dishwashers and washing machines after the peak demand hours of 6:00 P.M. to 10:00 P.M.
5. Limit lawn watering to that necessary for plant survival. Water lawns before the peak demand hours of 6:00 A.M. to 10:00 A.M.
6. Shrubbery should be watered at the minimum required amounts. Water shrubbery before the peak demand hours of 6:00 A.M. to 10:00 A.M.
7. Limit vehicle washing to a minimum.
8. Do not wash down outside areas such as sidewalks, driveways, patios, etc.

9. Install water saving showerheads and other water conservation devices.
10. Use disposable and biodegradable dishes where possible.
11. Install water saving devices in toilets such as early closing flappers.
12. Limit hours of water-cooled air conditioners.
13. Do not fill swimming or wading pools.

B. **Stage 2 - Water Shortage Emergency**

A Stage 2 Water Shortage Emergency watch may be declared in the event of an immediate water shortage, as so declared by state and/or local officials, or when there are two (2) consecutive days when water demand exceeds ninety percent (90%) of the water production capacity. Water production capacity shall be defined as the maximum volume of water that meets or exceeds state and federal standards that the water treatment process can produce during a twenty-four (24) hour period. Water production capacity can vary depending on system component reliability and/or raw water conditions. During a declared Stage 2 Water Shortage Emergency the following activities shall be prohibited:

1. Watering lawns, grass, shrubbery, trees, flower and vegetable gardens except by handheld hoses, containers, or drip irrigation systems. A person who regularly sells plants will be permitted to use water on their commercial stock only. Golf courses are allowed to irrigate using water from storm water ponds, wastewater effluent, and irrigation wells only. State and County licensed landscape contractors may water any plants by handheld hoses or drip irrigation systems under a written warranty.
2. Filling swimming or wading pools, either newly constructed or previously drained.
3. Using water-cooled air conditioners or other equipment, in which cooling water is not recycled, unless there are health or safety concerns.
4. Washing any type of mobile equipment including cars, trucks, trailers, boats or airplanes. Businesses that provide car washing or detailing services and automobile dealers in preparation of sales or delivery may continue to operate. The cleaning of emergency vehicles, garbage trucks, and similar vehicles are excluded if it is necessary to preserve public health or vehicle functions.
5. Washing outside surfaces such as streets, driveways, service station

aprons, parking lots or patios. Businesses that provide a service of washing the exterior of homes and other buildings will be an exception.

6. Washing the exterior of office buildings, homes, or apartments. Businesses that provide a service of washing the exterior of homes and other buildings will be an exception.
7. Using water for any ornamental fountain, pool, pond, etc.
8. Serving drinking water in food establishments such as restaurants or cafeterias, unless requested to do so by a customer.
9. Using water from a public or private fire hydrant for any reason other than to suppress a fire or other public emergency or as authorized by the Director or his authorized representative.
10. Using water to control or compact dust.
11. Intentionally wasting water.
12. Commercial and industrial water customers shall achieve mandatory reductions in water usage through whatever means are available. A minimum reduction of twenty percent (20%) shall be the target; however, a greater target reduction percentage may be required depending on the severity of the water shortage emergency. Compliance with the reduction target shall be determined by the Director or his authorized representative. Variances to the target reduction may be granted by the Director or his authorized representative to designated public health facilities.

C. **Stage 3 - Water Shortage Emergency**

A Stage 3 Water Shortage Emergency warning may be declared in the event of an immediate water shortage, as so declared by state and/or local officials, or when there is one (1) day when water demand exceeds one hundred percent (100%) of the water production capacity. Water production capacity shall be defined as the maximum volume of water that meets or exceeds state and federal standards that the water treatment process can produce during a twenty-four (24) hour period. Water production capacity can vary depending on system component reliability and/or raw water conditions. During a declared Stage 3 Water Shortage Emergency the following activities shall be prohibited, in addition to activities prohibited under Stage 2:

1. Watering lawns, grass, shrubbery, trees, and flowers. Plant nurseries will be permitted to irrigate their products only. State and County Licensed Landscape Contractors may water newly installed landscaping by handheld hoses or drip irrigation systems under a written warranty. Golf courses are allowed to irrigate using water from storm water ponds, wastewater effluent,

and irrigation wells only.

2. Washing any type of mobile equipment including cars, trucks, trailers, boats, airplanes, etc. Businesses that provide car washing or detailing services and automobile dealers in preparation of sales or delivery may continue to operate. The cleaning of emergency vehicles, garbage trucks, and similar vehicles are excluded if necessary to preserve public health or vehicle functions.
3. Watering any vegetable garden except by handheld hoses, containers, or drip irrigation systems.
4. Commercial and industrial water customers shall achieve mandatory reductions in water usage through whatever means are available. A minimum reduction of fifty percent (50%) shall be the target; however, a greater target reduction percentage may be required depending on the severity of the water emergency. Compliance with the reduction target shall be determined by the Director or his authorized representative. Variances to the target reduction may be granted by the Director or his authorized representative to designated Public Health facilities.
5. In the event that the prohibition of the activities listed above is not sufficient to maintain an adequate supply of water for fire protection, all use of water for purposes other than maintenance of public health and safety shall be prohibited. Residential water use shall be limited to the amount necessary to sustain life through drinking, food preparation, and personal hygiene.

3. **Compliance Plan During Stage 2 and Stage 3 Emergencies**

The Director or his authorized representative may require that commercial and industrial water customers prepare plans detailing measures to be taken by them to achieve mandatory reductions in daily water usage during Stage 2 and Stage 3 emergencies. Such plans shall be completed within sixty (60) calendar days after receipt of notice to prepare them.

4. **Penalties for Violation of Mandatory Restrictions**

Any user who is found to have failed to comply with any of the mandatory restrictions set forth herein these Regulations may be fined in accordance with North Carolina General Statute 153A-123© in conjunction with North Carolina General Statute Section 14-4, attached hereto and incorporated herein by reference as Exhibits A and B. The amount of the fine is to be set greater than \$50.00 (fifty dollars) by the Columbus County Board of Commissioners and recorded with the Clerk to the Board. This is to be recovered by the County in a civil action in the nature of debt if the offender does not pay the penalty within fifteen (15) calendar days of being cited for the violation. Each day's continuing violation shall be considered as a separate and distinct offense.

5. **Authority to Discontinue Service**

Pursuant to the provisions of North Carolina General State 153A-123, water service may be temporarily discontinued for a reasonable amount of time for failure to comply with the mandatory restrictions in this ordinance. All applicable penalty fees may be applied in the event of such service suspensions. In the event of continued non-compliance with this ordinance, after a reasonable amount of time, removal of meter and service will be deemed proper and service will be discontinued. Any and all tap fees and account deposits will be forfeited.

6. Appeals by Customers of Penalties and Termination of Service

Any user who received a penalty and/or has service terminated as a result of violations of the mandatory restrictions in this ordinance may appeal upon notification to the Director. The Director shall be the final decision maker for appeals and shall transmit a written copy of the final decision by United States certified mail to said user or user's agent within three (3) calendar days after notification.

7. Adoption and Enforcement of Ordinance by Public or Private Water System

Unless enforcement will breach previous agreement, public or private water systems purchasing water from the County shall adopt and enforce this entire ordinance as a condition of water service. Upon declaration of a water shortage emergency, the public or private water systems shall, within a reasonable amount of time, enforce the appropriate water use restrictions for the level of declared emergency.

8. Termination of Restrictions

A water emergency declaration will expire when the Director or his authorized representative determines that, based upon reasonable information, the condition that caused the emergency has abated. The expiration or cancellation of a water shortage emergency declaration shall, within a reasonable amount of time and with reasonable means, be promptly and extensively publicized.

9. Effective Date

This Ordinance shall have an effective date as of the signature of the Chairman of the Columbus County Board of Commissioners.

Columbus County Board of Commissioners

/s/ **JAMES E PREVATTE**, Chairman

Date Signed: December 03, 2007

Attested by:

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

The above Ordinance was passed by the Columbus County Board of Commissioners on December 03, 2007, upon motion by Commissioner Amon E. McKenzie, seconded by Commissioner Ronald Gore and passed unanimously, and recorded in the minutes of said meeting, Book 30, Pages

N.C. Gen. Stat. § 153-A-123

CHAPTER 153A. COUNTIES

ARTICLE 6. DELEGATION AND EXERCISE OF THE GENERAL POLICE POWER

N.C. Gen. Stat. § 153A-123 (2007)

§ 153A-123. Enforcement of ordinances

- (a) A county may provide for fines and penalties for violation of its ordinances and may secure injunctions and abatement orders to further insure compliance with its ordinances, as provided by this section.
- (b) Unless the board of commissioners has provided otherwise, violation of a county ordinance is a misdemeanor or infraction as provided by G.S. 14-4. An ordinance may provide by express statement that the maximum fine, term of imprisonment, or infraction penalty to be imposed for a violation is some amount of money or number of days less than the maximum imposed by G.S. 14-4.
- (c) An ordinance may provide that violation subjects the offender to a civil penalty to be recovered by the county in a civil action in the nature of debt if the offender does not pay the penalty within a prescribed period of time after he has been cited for violation of the ordinance.
- (c1) An ordinance may provide for the recovery of a civil penalty by the county for violation of the fire prevention code of the State Building Code as authorized under G.S. 143-139.
- (d) An ordinance may provide that it may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such a case, the General Court of Justice has jurisdiction to issue any order that may be appropriate, and it is not a defense to the county's application for equitable relief that there is an adequate remedy at law.
- (e) An ordinance that makes unlawful a condition existing upon or use made of real property may provide that it may be enforced by injunction and order of abatement, and the General Court of Justice has jurisdiction to issue such an order. When a violation of such an ordinance occurs, the county may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular.

In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the cause. An order of abatement may direct that buildings or other structures on the property be closed, demolished, or removed; that fixtures, furniture, or other movable property be removed from buildings on the property; that grass and weeds be cut; that improvements or repairs be made; or that any other action be taken that it necessary to bring the property into compliance with the ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt and the county may execute the order of abatement. If the county executes the order, it has a lien on the property, in the nature of a mechanic's and materialman's lien, for the costs of executing the order. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for

compliance with the order. The bond shall be given with sureties approved by the clerk or superior court in an amount approved by the judge before whom the matter was heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within the time fixed by the judge. Cancellation of an order of abatement does not suspend or cancel an injunction issued in conjunction with the order.

(f) Subject to the express terms of the ordinance, a county ordinance may be enforced by any one or more of the remedies authorized by this section.

(g) A county ordinance may provide, when appropriate, that each day's continuing violation is a separate and distinct offense.

Exhibit "B"

N.C. Gen. Stat. § 14-4

GENERAL STATUTES OF NORTH CAROLINA

CHAPTER 14. CRIMINAL LAW

SUBCHAPTER 01. GENERAL PROVISIONS

ARTICLE 1. FELONIES AND MISDEMEANORS

N.C. Gen. Stat. § 14-4 (2007)

§ 14-4. Violation of local ordinances misdemeanor

(a) Except as provided in subsection (b), if any person shall violate an ordinance of a county, city, town, or metropolitan sewerage district created under Article 5 of Chapter 162A, he shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$ 500.00) No fine shall exceed fifty dollars (\$ 50.00) unless the ordinance expressly states that the maximum fine is greater than fifty dollars (\$ 50.00).

(b) If any person shall violate an ordinance of a county, city, or town regulating the operation or parking of vehicles, he shall be responsible for an infraction and shall be required to pay a penalty of not more than fifty dollars (\$ 50.00).

Water Shortage Response Plan

1. Purpose

The purpose of the Water Shortage Response Plan is to provide guidance to the Public Utilities staff, County Administration, and the customers of the Columbus County Public Utilities during periods of drought and other events that result in a shortage of potable water. The Water Shortage Response Plan is intended to provide a framework of steps and activities to be implemented as conditions require.

2. Definitions

A. "Water Shortage" - The result of climatic conditions causing drought or the result of a physical breach in the County's water supply system (i.e. mechanical failure, cut

or broken water main, etc.) impeding the flow of potable or raw water supply.

- B. **“Water Production Capacity”** - The maximum volume of water that meets or exceeds state and federal standards that the water treatment process can produce during a twenty-four period.
- C. **“Stage 1 - Water Conservation Alert”** - An immediate water shortage declared by appropriate state and/or local officials when there are three (3) consecutive days when water demand exceeds eighty percent (80%) of the water production capacity.
- D. **“Stage 2 - Water Shortage Warning”** - An immediate water shortage declared by appropriate state and/or local officials or when there are two (2) consecutive days when water demand exceeds ninety percent (90%) of the water production capacity.
- E. **“Stage 3 - Water Shortage Danger”** - An immediate water shortage declared by appropriate state and/or local officials or when there is one (1) day when water demand exceeds one hundred percent (100%) of the water production capacity.

3. **Responsibility for Declaration of a Water Shortage**

Under the County’s current Water Emergency Ordinance, the Director or his authorized representative is authorized to declare that a water emergency exists. Depending on the severity of the emergency, voluntary (Stage 1) and mandatory (Stage 2 and Stage 3) staged water use restrictions as described in this ordinance shall be imposed upon all water. This declaration shall be made after consultation with the Public Utilities staff, County Administration, and County wholesale customers.

4. **Shortage Response Action Levels**

A. ***Stage 1 - Water Shortage Emergency***

A Stage 1 Water Shortage Emergency may be declared in the event of an immediate water shortage, as so declared by state and/or local officials, or when there are three (3) consecutive days when water demand exceeds eighty percent (80%) of the total water plant production capacity. Water production capacity shall be defined as the maximum volume of water that meets or exceeds state and federal standards that the water treatment plant process can produce during a twenty-four (24) hour period. Water production capacity can vary depending on system component reliability and/or raw water conditions or availability.

B. ***Stage 2 - Water Shortage Emergency***

A Stage 2 Water Shortage Emergency may be declared in the event of an immediate water shortage, as so declared by state and/or local officials, or when there are two (2) consecutive days when water demand exceeds ninety percent (90%) of the water production capacity. Water production capacity shall be defined as the maximum volume of water that meets or exceeds state and federal standards that the water treatment process can produce during a twenty-four (24) hour period. Water production capacity can vary depending on system component reliability and/or raw

water conditions or availability.

C. *Stage 3 - Water Shortage Emergency*

A Stage 3 Water Shortage Emergency may be declared in the event of an immediate water shortage, as so declared by state and/or local officials, or when there is one (1) day when water demand exceeds one hundred percent (100%) of the water production capacity. Water production capacity shall be defined as the maximum volume of water that meets or exceeds state and federal standards that the water treatment process can produce during a twenty-four (24) hour period. Water production capacity can vary depending on system component reliability and/or raw water conditions.

5. Notification Procedures

Upon declaration of each stage of Water Shortage Emergency, the following methods may be used to inform the County staff, wholesale customers, County retail customers, and Industrial Customers.

A. *Public Notice*

The Public Utilities Department staff will draft a Public Notice announcing the Water Shortage Stage (Stage 1, Stage 2, or Stage 3) and the actions that water customers must take to comply with the Water Emergency Ordinance. The Public Notice will be provided by the Director or his authorized representative to all media outlets that serve Columbus County. The Public Notice will include phone numbers that customers may call with questions. Sample public notices for Stage 1, 2, and 3 are attached hereto and incorporated herein by reference as Exhibits A, B, and C, respectively.

B. *Wholesale Customer Notification*

A copy of the Public Notice will be e-mailed or faxed to the Utilities Director for all of the County's Wholesale Customers. The Public Utilities Director or his authorized representative shall call each wholesale customer to confirm the receipt of the Public Notice and to respond to any questions about the notice.

C. *Training County Staff*

A copy of the Public Notice will be provided to the staffs of the Utilities Customer Service Division, Columbus County Public Utilities, 612 North Madison Street, and Water Distribution Division. Depending on the stage severity, a list of possible questions with the recommended responses will be provided to the staff likely to receive calls from the public.

D. *Direct Mailing to Customers*

Depending on the stage severity, the County may elect to send a direct mailing to all County water customers. In the event of an immediate need to reduce

water consumption, a notice will be sent to all water customers by reasonable means. An insert to the water bill would be the method of communication.

E. Newspaper Advertisement

Depending on the stage severity, the County may elect to purchase space in the local newspapers to inform the public. The advertisement would include the language included in the Public Notice.

6. Stage Conditions

The basis for the determination of a water emergency shall be the County's ability to provide potable water to its customers. For a Stage 1 Water Shortage Emergency, a declaration will be made when the potable water demand or the anticipated potable water demand will be eighty percent (80%) of the combined treatment capacity of the County's wells in each Water District for more than three (3) consecutive days. If the available raw water supply or the treatment capacity is diminished, the eighty percent (80%) level will be determined based upon the amount of raw water available or treatment capacity available.

For a Stage 2 Water Shortage Emergency, a declaration will be made when the potable water demand or the anticipated potable water demand will be ninety percent (90%) of the combined treatment capacity of the County's wells in each individual water district for more than two (2) consecutive days. If the available raw water supply or the treatment capacity is diminished, the ninety percent (90%) level will be determined based upon the amount of raw water available or treatment capacity available.

For a Stage 3 Water Shortage Emergency, a declaration will be made when the potable water demand or the anticipated potable water demand will be one hundred percent (100%) of the combined treatment capacity of the County's wells in each Water District for more than a twenty-four (24) hour period. If the available raw water supply or the treatment capacity is diminished, the one hundred percent (100%) level will be determined based upon the amount of raw water available or treatment capacity available.

The available raw water supply shall be determined by the capacity of the individual wells in each Water District. The flow is measured at each well.

7. Compliance with the Provisions of the Plan

The water plant staff shall monitor potable water levels pumped into the system at the plant and at the booster pump stations to determine the overall demand. By comparing the flow records prior to issuance of the declaration, the staff can determine the level of compliance in each of the pressure zones associated with the booster pump station. The water distribution staff will concentrate its efforts in those areas identified by the plants with the highest levels of apparent non-compliance. The distribution staff will attempt to educate those property owners who are not in compliance with the declaration. After one warning, property owners would be fined for non-compliance.

8. Plan Review and Adoption

The draft Water Shortage Response Plan will be provided to the County Public Utilities staff for review and comment prior to passage by the Board of County Commissioners. After those comments have been addressed, copies will be provided to the County Manager, and the Customer Service Manager. A draft copy of the plan will be submitted to North Carolina Department of Environment and Natural Resources (NC DENR) for review and approval. Once all comments have been received and addressed by the County Manager, Customer Service Manager, and NC DENR, a final draft would be sent to the Board of Commissioners for review. The final document would be sent to the Board of Commissioners for approval. Amendments to the plan would follow the same process with the Board of Commissioners approval required for all amendments.

9. Variances

All appeals for a variance must be submitted to the Director of Public Utilities in writing. The Director of Public Utilities will review the request and the following criteria will be used to determine if a variance can be granted:

- A. Impact on the overall water conservation goals
- B. Potential property damage
- C. Potential alternative sources of water supply
- D. Volume of water to be consumed
- E. Duration of usage
- F. Number of similarly situated property owners

The Director of Public Utilities must provide a written determination on the request for a variance within three (3) working days of the receipt of the variance. If the request for a variance is denied, the property owner has the right to appeal the determination to the Board of Commissioners. The Board of Commissioners would hear the appeal at the next regularly scheduled meeting provided the appeal request is received at least seven (7) days in advance of the next meeting.

10. Evaluation

During the declaration of the Water Shortage Emergency, the County Public Utilities staff will monitor the water usage. The pre-declaration usage will be compared to the post-declaration usage to determine an overall percentage reduction in demand. If the desired reduction in demand has not occurred, changes in the plan or enforcement of the plant will be recommended.

After the water shortage event has concluded, a post-event evaluation will be conducted. Changes in the Water Shortage Response plan will be recommended to the

Board of Commissioners based upon the problems and issues that were discovered during the event.

11. **Effective Date**

This Plan shall have an effective date as of the signature of the Chairman of the Columbus County Board of Commissioners.

Columbus County Board of Commissioners

/s/ Sammie Jacobs, Chairman

Date Signed:

Attested By:

/s/ June B. Hall, Clerk to the Board

The above Plan was passed by the Columbus County Board of Commissioners on November 19, 2007, upon motion by Commissioner McKenzie, seconded by Commissioner Norris, and passed unanimously, and recorded in the minutes of said meeting, Book 30, Page _____.

Exhibit A Stage 1 Water Shortage Emergency Public Notice

Due to the current unprecedented demand for water, Columbus County Public Utilities has declared a Stage 1 Water Shortage Emergency for all Columbus County Public Utilities Customers. Since the Memorial Day holiday weekend, an average of .5 mgd has been consumed by Columbus County's retail customers, industrial customers, and the customers of municipalities served by the County through wholesale water agreements. The peak usage during this period was .7 mgd.

Most of the increase in water consumption during the recent months is attributable to an increase in demand for irrigation due to the drought conditions being experienced throughout the Southeast. During a Stage 1 Water Shortage Emergency, customers are asked to voluntarily conserve water.

Suggested Conservation Methods Include:

- ***Reduce Unnecessary Water Usage:***
Use shower for bathing rather than bathtub and limit shower to no more than five (5) minutes. Do not leave faucets running while shaving, brushing teeth, rinsing or preparing food. Limit hours of water-cooled air conditioners. Do not fill swimming or wading pools. Limit vehicle washing to a minimum.
- ***Irrigate During Off Peak Hours:***
Peak demand for water is between 6:00 A.M. to 10:00 A.M. and 4:00 P.M. to 6:00 P.M. If irrigation is necessary for shrubbery or lawns, irrigate during off peak times.
- ***Check for Leaks and Repair Leaks Immediately:***
Leaks such as running toilets and dripping faucets should be repaired immediately

to reduce water consumption.

- ***Do Not Wash Down Outside Areas Such As Driveways, Sidewalks, Patios, Etc.***
- ***Use Heavy Water-Using Appliances During Off Peak Hours:***
Appliances such as dishwashers and washing machines should be run during off peak times to reduce peak demand.
- ***Install Water Conservation Devices:***
Install Water Conservation Devices such as water saving showerheads and early closing flappers for toilets.

If the drought continues and the demand for water continues to increase, the County may implement additional mandatory water conservation measures. If you have any questions regarding this public notice, please contact the County's Public Utilities Department at 910-642-5257 or 910-642-2828.

This Stage 1 Water Shortage Emergency does not affect water use restrictions issued by other utilities in Columbus County.

Exhibit B
Stage 2 Water Shortage Emergency
Public Notice

Due to the continued drought, Columbus County Public Utilities has now declared a Stage 2 Water Shortage Emergency watch for all Columbus County Public Utilities Customers. Water levels in the Lower Cape Fear River have continued to decrease and the long-range forecast indicated less than normal rainfall amounts. The Governor has urged all state citizens to reduce water consumption during this period of extreme drought.

The demand for water continues at higher than normal levels due to an increase in demand for irrigation due to the drought conditions. During a Stage 2 Water Shortage Emergency watch, customers are prohibited from certain water consuming activities. All residents, businesses, and industries are urged to conserve water during this period.

The following activities are prohibited except as where noted:

Irrigation of residential and commercial landscaping including lawns, grass, shrubbery, trees, flower and vegetable gardens

Exceptions

1. Irrigation using handheld hoses, containers, and drip irrigation systems will be allowed.
2. Plant nurseries will be permitted to irrigate their products only.
3. State and County Licensed Landscape Contractors may water newly installed landscaping

by handheld hoses or drip irrigation systems under a written warranty.

4. Golf Courses are allowed to irrigate using water from storm water ponds, wastewater effluent and irrigation wells only.

Washing of any type of mobile equipment including cars, trucks, trailers, boats, airplanes, etc.

Exceptions

1. Businesses that provide car washing or detailing services.
2. Automobile dealers in preparation of sales or delivery.
3. Cleaning of emergency vehicles, garbage trucks and similar vehicles if needed to preserve public health or vehicle function.

Using water to wash outside surfaces such as streets, driveways, parking lots, patios, service station aprons, exterior of office buildings, homes, or apartments

Exceptions

1. Businesses that provide a service of washing the exterior of homes and other buildings.

Using water for any ornamental fountain, pool, pond, etc.

Serving drinking water in restaurants unless specifically requested by the customer

Using potable water for dust control

Filling swimming or wading pools, either newly constructed or previously drained

Exceptions

1. Make up water for pools in operation will be allowed

Using water-cooled air conditioners or other equipment, in which cooling water is not recycled, unless there are health or safety concerns

Using water from a public or private fire hydrant for any reason other than to suppress a fire or other public emergency or as authorized by the Director or his authorized representative

Intentionally wasting water

Commercial and Industrial Water Customers shall achieve mandatory reductions in water usage through whatever means are available. A minimum reduction of twenty percent (20%) shall be the target; however, a greater target reduction percentage may be required depending on the severity of the Water Shortage Emergency. Compliance with the reduction target shall be determined by the Director or his authorized representative. Variances to the target reduction may be granted by the Director or his authorized representative to designated Public Health

facilities.

Property owners that use wells for potable water and/or irrigation are also urged to conserve water during this period of drought but are not subject to these restrictions.

Violators are subject to a civil citation of \$500.00 per offense per day.

Repeat offenders may have their water service disconnected.

To report violations of this Water Shortage Emergency watch, please contact the County's Public Utilities Department at 910-642-5257 or e-mail the County at carmelawilliams@columbusco.org. Please provide the time, date, and violation location.

Exhibit C Stage 3 Water Shortage Emergency Public Notice

Due to an immediate water shortage, Columbus County Public Utilities has now declared a Stage 3 Water Shortage Emergency warning for all Columbus County Public Utilities Customers. Water levels in the Lower Cape Fear River have continued to decrease and the long-range forecast indicated less than normal rainfall amounts. The Governor has urged all state citizens to reduce water consumption during this period of extreme drought.

The demand for water continues at higher than normal levels due to an increase in demand for irrigation due to the drought conditions. During a Stage 3 Water Shortage Emergency warning, the following activities shall be prohibited, in addition to the activities prohibited under the Stage 2 Water Shortage Emergency:

The following activities are prohibited except as where noted:

Irrigation of residential and commercial landscaping including lawns, grass, shrubbery, trees, flower and vegetable gardens

Exceptions

1. Irrigation using handheld hoses, containers, and drip irrigation systems will be allowed.
2. Plant nurseries will be permitted to irrigate their products only.
3. State and County Licensed Landscape Contractors may water newly installed landscaping by handheld hoses or drip irrigation systems under a written warranty.
4. Golf Courses are allowed to irrigate using water from storm water ponds, wastewater effluent and irrigation wells only.

Washing of any type of mobile equipment including cars, trucks, trailers, boats, airplanes, etc.

Exceptions

1. Businesses that provide car washing or detailing services.
2. Automobile dealers in preparation of sales or delivery.
3. Cleaning of emergency vehicles, garbage trucks and similar vehicles if needed to preserve public health or vehicle functions.

Watering any vegetable garden except by handheld hoses, containers, or drip irrigation systems.

Commercial and Industrial Water Customers shall achieve mandatory reductions in water usage through whatever means are available. A minimum reduction of fifty percent (50%) shall be the target; however, a greater target reduction percentage may be required depending on the severity of the Water Shortage Emergency. Compliance with the reduction target shall be determined by the Director or his authorized representative. Variances to the target reduction may be granted by the Director or his authorized representative to designated Public Health facilities.

In the event that the prohibition of the activities listed above is not sufficient to maintain an adequate supply of water for fire protection, all use of water for purposes other than maintenance of public health and safety shall be prohibited. Residential water use shall be limited to the amount necessary to sustain life through drinking, food preparation, and personal hygiene.

Property owners that use wells for potable water and/or irrigation are also urged to conserve water during this period of drought but are not subject to these restrictions.

Violators are subject to a civil citation of \$500.00 per offense per day.

Repeat offenders may have their water service disconnected.

To report violations of this Water Shortage Emergency watch, please contact the County's Public Utilities Department at 910-642-5257 or e-mail the County at carmelawilliams@columbusco.org. Please provide the time, date, and violation location.

Commissioner McKenzie made a motion to approve the **Revised** Water Emergency Ordinance and the **Revised** Water Shortage Response Plan, seconded by Commissioner Gore. The motion unanimously passed.

ADJOURNMENT:

At 7:50 P.M., Commissioner McKenzie made a motion to adjourn, seconded by Commissioner Norris. 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, November 19, 2007
7:49 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:

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

MEETING CALLED TO ORDER:

At 7:49 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: WATER BOARDS' MINUTES APPROVAL:

Commissioner Norris made a motion to approve the following Water Boards' Minutes, seconded by Commissioner McKenzie. The motion unanimously carried.

November 05, 2007 **Combination Meeting** of Columbus County water and Sewer District I, II, III, IV and V Board Meeting (5 sets).

Agenda Item #21: COLUMBUS COUNTY WATER and SEWER DISTRICT III - APPROVAL of ADJUSTMENTS to OCTOBER, 2007 WATER BILLS:

Leroy Sellers, Public Utilities Director, requested Board approval of the following adjustments to the October, 2007 water bills for Columbus County Water and Sewer District III.

DATE	ACCOUNT #	ACCT NAME	ADJUSTM	REASON FOR ADJUSTMENT
10/1/07	341154	JAMES MATTHEWS	100.00+	TAP FEE
10/1/07	340660	LINDBURG HOLDEN	16.00-	METER READ WRONG
10/2/07	340070	GERADINE INMAN	16.00-	METER READ WRONG
10/2/07	361030	BETTY BRYAN	92.00-	METER READ WRONG
10/3/07	360597	DON BRITT	20.00-	METER READ WRONG
10/4/07	350970	AMANDA LEWIS	52.00-	METER READ WRONG
10/4/07	341410	DANIEL GORDON	28.00-	METER READ WRONG
10/8/07	350125.00 95	ROBERT CHANDLER	50.00-	BILLING ERROR
10/8/07	360350.00 97	JASON FOWLER	17.50-	BILLING ERROR
10/12/07	350530	HEUSTESS INMAN	25.00-	BILLING ERROR

10/15/07	350125	ROBERT CHANDLER	25.00+	POSTING ERROR
10/15/07	330540	HORACE MEADOWS	25.00-	CK FEE WAIVED
10/18/07	350974	GEORGE PAGE	50.00+	METER TAMPERING
10/22/07	341070	GERTRUDE MAULTSBY	67.00-	CUSTOMER LEAK
10/23/07	360350.00 97	JASON FOWLER	101.00-	BALANCE TRANSFERRED
10/23/07	360350.00 96	MONICA FOWLER	101.00+	BALANCE TRANSFERRED
10/23/07	350615.00 98	SPIRITUAL LIGHTHOUSE CHURCH	30.00-	CUT OFF FEE WAIVED
10/23/07	380040	PEGGY WALTERS	8.00-	METER READ WRONG
TOTAL			\$(246.50)	

Commissioner Norris made a motion to approve the October, 2007 Adjustments to the Columbus County Water and Sewer District III Water bills, seconded by Commissioner McKenzie. The motion unanimously passed.

Agenda Item #22: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V COMBINATION MEETING - APPROVAL and ADOPTION of the REVISED WATER EMERGENCY ORDINANCE and the REVISED WATER SHORTAGE RESPONSE PLAN:

Leroy Sellers, Public Utilities Director, requested Board approval and adoption of the **REVISED** Water Emergency Ordinance, and Board approval of the **REVISED** Water Shortage Response Plan that is required by the State. This will be the first reading of this **REVISED** Ordinance.

WATER EMERGENCY ORDINANCE

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Water Emergency Ordinance

A. **Introduction**

The County's Public Utilities Department (henceforth referred to as the "Department") and the Board of County Commissioners (henceforth referred to as the "Commissioners") shall have the charge to protect the County's public water supply and to ensure that the benefactors of this system are assured an adequate supply of water even in times of water shortage. Water shortage can be the result of climatic conditions causing drought or it may be the result of a physical breach in the County's water supply system (i.e., mechanical failure, cut or broken water main, etc.) impeding the flow of potable or raw water supply.

B. **Definitions**

1. **"Water Shortage"** - The result of climatic conditions causing drought or the result of a physical breach in the County's water supply system (i.e. mechanical failure, cut or broken water main, etc.) impeding the flow of potable or raw water supply.
2. **"Water Production Capacity"** - The maximum volume of water that meets or exceeds state and federal standards that the water treatment process can produce during a twenty-four (24) hour period.
3. **"Stage 1 - Water Conservation Alert"** - An immediate water shortage declared by appropriate state and/or local officials or when there are three (3) consecutive days when water demand exceeds eighty percent (80%) of the water production capacity.
4. **"Stage 2 - Water Shortage Warning"** - An immediate water shortage declared by appropriate state and/or local officials or when there are two (2) consecutive days when water demand exceeds ninety percent (90%) of the water production capacity.
5. **"Stage 3 - Water Shortage Danger"** - An immediate water shortage declared by appropriate state and/or local officials or when there is one (1) day when water demand exceeds one hundred percent (100%) of the water production capacity.

C. **Water Emergency Response and Management**

1. **Declaration of Water Emergency**

The Director or his authorized representative is authorized to declare that a water emergency exists. Depending on the severity of the emergency, voluntary (Stage 1) and mandatory (Stage 2 and Stage 3) staged water use restrictions as described in this ordinance shall be imposed upon all water customers.

2. **Staged Water Use Restrictions**

A. **Stage 1 – Water Shortage Emergency**

A Stage 1 Water Shortage Emergency may be declared in the event of an immediate water shortage, as so declared by state and/or local officials, or when there are three (3) consecutive days when water demand exceeds eighty percent (80%) of the water production capacity. Water production capacity shall be defined as the maximum volume of water that meets or exceeds state and federal standards that the water treatment process can produce during a twenty-four (24) hour period. Water production capacity can vary depending on system component reliability and/or raw water conditions. During a declared Stage 1 Water Shortage Emergency the following voluntary water conservation practices shall be encouraged:

1. Inspect and repair all faulty and defective parts of faucets and toilets.
2. Use showers for bathing rather than the bathtub and limit showers to no more than five (5) minutes.
3. Do not leave faucets running while shaving, brushing teeth, rinsing or preparing food.
4. Limit the use of dishwashers and washing machines and when used, operate fully loaded. Operate dishwashers and washing machines after the peak demand hours of 6:00 P.M. to 10:00 P.M.
5. Limit lawn watering to that necessary for plant survival. Water lawns before the peak demand hours of 6:00 A.M. to 10:00 A.M.
6. Shrubbery should be watered at the minimum required amounts. Water shrubbery before the peak demand hours of 6:00 A.M. to 10:00 A.M.
7. Limit vehicle washing to a minimum.
8. Do not wash down outside areas such as sidewalks, driveways, patios, etc.
9. Install water saving showerheads and other water conservation devices.
10. Use disposable and biodegradable dishes where possible.
11. Install water saving devices in toilets such as early closing flappers.
12. Limit hours of water-cooled air conditioners.
13. Do not fill swimming or wading pools.

B. **Stage 2 - Water Shortage Emergency**

A Stage 2 Water Shortage Emergency watch may be declared in the

event of an immediate water shortage, as so declared by state and/or local officials, or when there are two (2) consecutive days when water demand exceeds ninety percent (90%) of the water production capacity. Water production capacity shall be defined as the maximum volume of water that meets or exceeds state and federal standards that the water treatment process can produce during a twenty-four (24) hour period. Water production capacity can vary depending on system component reliability and/or raw water conditions. During a declared Stage 2 Water Shortage Emergency the following activities shall be prohibited:

1. Watering lawns, grass, shrubbery, trees, flower and vegetable gardens except by handheld hoses, containers, or drip irrigation systems. A person who regularly sells plants will be permitted to use water on their commercial stock only. Golf courses are allowed to irrigate using water from storm water ponds, wastewater effluent, and irrigation wells only. State and County licensed landscape contractors may water any plants by handheld hoses or drip irrigation systems under a written warranty.
2. Filling swimming or wading pools, either newly constructed or previously drained.
3. Using water-cooled air conditioners or other equipment, in which cooling water is not recycled, unless there are health or safety concerns.
4. Washing any type of mobile equipment including cars, trucks, trailers, boats or airplanes. Businesses that provide car washing or detailing services and automobile dealers in preparation of sales or delivery may continue to operate. The cleaning of emergency vehicles, garbage trucks, and similar vehicles are excluded if it is necessary to preserve public health or vehicle functions.
5. Washing outside surfaces such as streets, driveways, service station aprons, parking lots or patios. Businesses that provide a service of washing the exterior of homes and other buildings will be an exception.
6. Washing the exterior of office buildings, homes, or apartments. Businesses that provide a service of washing the exterior of homes and other buildings will be an exception.
7. Using water for any ornamental fountain, pool, pond, etc.
8. Serving drinking water in food establishments such as restaurants or cafeterias, unless requested to do so by a customer.
9. Using water from a public or private fire hydrant for any reason other than to suppress a fire or other public emergency or as authorized by the Director or his authorized representative.

10. Using water to control or compact dust.
11. Intentionally wasting water.
12. Commercial and industrial water customers shall achieve mandatory reductions in water usage through whatever means are available. A minimum reduction of twenty percent (20%) shall be the target; however, a greater target reduction percentage may be required depending on the severity of the water shortage emergency. Compliance with the reduction target shall be determined by the Director or his authorized representative. Variances to the target reduction may be granted by the Director or his authorized representative to designated public health facilities.

C. **Stage 3 - Water Shortage Emergency**

A Stage 3 Water Shortage Emergency warning may be declared in the event of an immediate water shortage, as so declared by state and/or local officials, or when there is one (1) day when water demand exceeds one hundred percent (100%) of the water production capacity. Water production capacity shall be defined as the maximum volume of water that meets or exceeds state and federal standards that the water treatment process can produce during a twenty-four (24) hour period. Water production capacity can vary depending on system component reliability and/or raw water conditions. During a declared Stage 3 Water Shortage Emergency the following activities shall be prohibited, in addition to activities prohibited under Stage 2:

1. Watering lawns, grass, shrubbery, trees, and flowers. Plant nurseries will be permitted to irrigate their products only. State and County Licensed Landscape Contractors may water newly installed landscaping by handheld hoses or drip irrigation systems under a written warranty. Golf courses are allowed to irrigate using water from storm water ponds, wastewater effluent, and irrigation wells only.
2. Washing any type of mobile equipment including cars, trucks, trailers, boats, airplanes, etc. Businesses that provide car washing or detailing services and automobile dealers in preparation of sales or delivery may continue to operate. The cleaning of emergency vehicles, garbage trucks, and similar vehicles are excluded if necessary to preserve public health or vehicle functions.
3. Watering any vegetable garden except by handheld hoses, containers, or drip irrigation systems.
4. Commercial and industrial water customers shall achieve mandatory reductions in water usage through whatever means are available. A minimum reduction of fifty percent (50%) shall be the target; however, a greater target reduction percentage may be required depending on the

severity of the water emergency. Compliance with the reduction target shall be determined by the Director or his authorized representative. Variances to the target reduction may be granted by the Director or his authorized representative to designated Public Health facilities.

5. In the event that the prohibition of the activities listed above is not sufficient to maintain an adequate supply of water for fire protection, all use of water for purposes other than maintenance of public health and safety shall be prohibited. Residential water use shall be limited to the amount necessary to sustain life through drinking, food preparation, and personal hygiene.

3. Compliance Plan During Stage 2 and Stage 3 Emergencies

The Director or his authorized representative may require that commercial and industrial water customers prepare plans detailing measures to be taken by them to achieve mandatory reductions in daily water usage during Stage 2 and Stage 3 emergencies. Such plans shall be completed within sixty (60) calendar days after receipt of notice to prepare them.

4. Penalties for Violation of Mandatory Restrictions

Any user who is found to have failed to comply with any of the mandatory restrictions set forth herein these Regulations may be fined in accordance with North Carolina General Statute 153A-123© in conjunction with North Carolina General Statute Section 14-4, attached hereto and incorporated herein by reference as Exhibits A and B. The amount of the fine is to be set greater than \$50.00 (fifty dollars) by the Columbus County Board of Commissioners and recorded with the Clerk to the Board. This is to be recovered by the County in a civil action in the nature of debt if the offender does not pay the penalty within fifteen (15) calendar days of being cited for the violation. Each day's continuing violation shall be considered as a separate and distinct offense.

5. Authority to Discontinue Service

Pursuant to the provisions of North Carolina General State 153A-123, water service may be temporarily discontinued for a reasonable amount of time for failure to comply with the mandatory restrictions in this ordinance. All applicable penalty fees may be applied in the event of such service suspensions. In the event of continued non-compliance with this ordinance, after a reasonable amount of time, removal of meter and service will be deemed proper and service will be discontinued. Any and all tap fees and account deposits will be forfeited.

6. Appeals by Customers of Penalties and Termination of Service

Any user who received a penalty and/or has service terminated as a result of violations of the mandatory restrictions in this ordinance may appeal upon notification to the Director. The Director shall be the final decision maker for appeals and shall transmit a written copy of the final decision by United States certified mail to said user or user's agent within three (3) calendar days after notification.

7. **Adoption and Enforcement of Ordinance by Public or Private Water System**

Unless enforcement will breach previous agreement, public or private water systems purchasing water from the County shall adopt and enforce this entire ordinance as a condition of water service. Upon declaration of a water shortage emergency, the public or private water systems shall, within a reasonable amount of time, enforce the appropriate water use restrictions for the level of declared emergency.

8. **Termination of Restrictions**

A water emergency declaration will expire when the Director or his authorized representative determines that, based upon reasonable information, the condition that caused the emergency has abated. The expiration or cancellation of a water shortage emergency declaration shall, within a reasonable amount of time and with reasonable means, be promptly and extensively publicized.

9. **Effective Date**

This Ordinance shall have an effective date as of the signature of the Chairman of the Columbus County Board of Commissioners.

Columbus County Board of Commissioners

/s/ **JAMES E PREVATTE**, Chairman

Date Signed: December 03, 2007

Attested by:

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

The above Ordinance was passed by the Columbus County Board of Commissioners on December 03, 2007, upon motion by Commissioner Amon E. McKenzie, seconded by Commissioner Ronald Gore and passed unanimously, and recorded in the minutes of said meeting, Book 30, Pages _____.

Exhibit "A"

N.C. Gen. Stat. § 153-A-123

CHAPTER 153A. COUNTIES

ARTICLE 6. DELEGATION AND EXERCISE OF THE GENERAL POLICE POWER

N.C. Gen. Stat. § 153A-123 (2007)

§ 153A-123. Enforcement of ordinances

(a) A county may provide for fines and penalties for violation of its ordinances and may secure injunctions and abatement orders to further insure compliance with its ordinances, as provided by this section.

(b) Unless the board of commissioners has provided otherwise, violation of a county ordinance is a misdemeanor or infraction as provided by G.S. 14-4. An ordinance may provide by express statement that the maximum fine, term of imprisonment, or infraction penalty to be imposed for a violation is some amount of money or number of days less than the maximum imposed by G.S. 14-4.

© An ordinance may provide that violation subjects the offender to a civil penalty to be recovered by the county in a civil action in the nature of debt if the offender does not pay the penalty within a prescribed period of time after he has been cited for violation of the ordinance.

(c1) An ordinance may provide for the recovery of a civil penalty by the county for violation of the fire prevention code of the State Building Code as authorized under G.S. 143-139.

(d) An ordinance may provide that it may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such a case, the General Court of Justice has jurisdiction to issue any order that may be appropriate, and it is not a defense to the county's application for equitable relief that there is an adequate remedy at law.

(e) An ordinance that makes unlawful a condition existing upon or use made of real property may provide that it may be enforced by injunction and order of abatement, and the General Court of Justice has jurisdiction to issue such an order. When a violation of such an ordinance occurs, the county may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular.

In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the cause. An order of abatement may direct that buildings or other structures on the property be closed, demolished, or removed; that fixtures, furniture, or other movable property be removed from buildings on the property; that grass and weeds be cut; that improvements or repairs be made; or that any other action be taken that it necessary to bring the property into compliance with the ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt and the county may execute the order of abatement. If the county executes the order, it has a lien on the property, in the nature of a mechanic's and materialman's lien, for the costs of executing the order. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the clerk or superior court in an amount approved by the judge before whom the matter was heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within the time fixed by the judge. Cancellation of an order of abatement does not suspend or cancel an injunction issued in conjunction with the order.

(f) Subject to the express terms of the ordinance, a county ordinance may be enforced by any one or more of the remedies authorized by this section.

(g) A county ordinance may provide, when appropriate, that each day's continuing violation is a separate and distinct offense.

Exhibit "B"

N.C. Gen. Stat. § 14-4
GENERAL STATUTES OF NORTH CAROLINA
CHAPTER 14. CRIMINAL LAW
SUBCHAPTER 01. GENERAL PROVISIONS

ARTICLE 1. FELONIES AND MISDEMEANORS
N.C. Gen. Stat. § 14-4 (2007)

§ 14-4. Violation of local ordinances misdemeanor

(a) Except as provided in subsection (b), if any person shall violate an ordinance of a county, city, town, or metropolitan sewerage district created under Article 5 of Chapter 162A, he shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$ 500.00) No fine shall exceed fifty dollars (\$ 50.00) unless the ordinance expressly states that the maximum fine is greater than fifty dollars (\$ 50.00).

(b) If any person shall violate an ordinance of a county, city, or town regulating the operation or parking of vehicles, he shall be responsible for an infraction and shall be required to pay a penalty of not more than fifty dollars (\$ 50.00).

Water Shortage Response Plan

1. Purpose

The purpose of the Water Shortage Response Plan is to provide guidance to the Public Utilities staff, County Administration, and the customers of the Columbus County Public Utilities during periods of drought and other events that result in a shortage of potable water. The Water Shortage Response Plan is intended to provide a framework of steps and activities to be implemented as conditions require.

2. Definitions

- A. “Water Shortage”** - The result of climatic conditions causing drought or the result of a physical breach in the County’s water supply system (i.e. mechanical failure, cut or broken water main, etc.) impeding the flow of potable or raw water supply.
- B. “Water Production Capacity”** - The maximum volume of water that meets or exceeds state and federal standards that the water treatment process can produce during a twenty-four period.
- C. “Stage 1 - Water Conservation Alert”** - An immediate water shortage declared by appropriate state and/or local officials when there are three (3) consecutive days when water demand exceeds eighty percent (80%) of the water production capacity.
- D. “Stage 2 - Water Shortage Warning”** - An immediate water shortage declared by appropriate state and/or local officials or when there are two (2) consecutive days when water demand exceeds ninety percent (90%) of the water production capacity.
- E. “Stage 3 - Water Shortage Danger”** - An immediate water shortage declared by appropriate state and/or local officials or when there is one (1) day when water demand exceeds one hundred percent (100%) of the water production capacity.

3. Responsibility for Declaration of a Water Shortage

Under the County’s current Water Emergency Ordinance, the Director or his

authorized representative is authorized to declare that a water emergency exists. Depending on the severity of the emergency, voluntary (Stage 1) and mandatory (Stage 2 and Stage 3) staged water use restrictions as described in this ordinance shall be imposed upon all water. This declaration shall be made after consultation with the Public Utilities staff, County Administration, and County wholesale customers.

4. Shortage Response Action Levels

A. *Stage 1 - Water Shortage Emergency*

A Stage 1 Water Shortage Emergency may be declared in the event of an immediate water shortage, as so declared by state and/or local officials, or when there are three (3) consecutive days when water demand exceeds eighty percent (80%) of the total water plant production capacity. Water production capacity shall be defined as the maximum volume of water that meets or exceeds state and federal standards that the water treatment plant process can produce during a twenty-four (24) hour period. Water production capacity can vary depending on system component reliability and/or raw water conditions or availability.

B. *Stage 2 - Water Shortage Emergency*

A Stage 2 Water Shortage Emergency may be declared in the event of an immediate water shortage, as so declared by state and/or local officials, or when there are two (2) consecutive days when water demand exceeds ninety percent (90%) of the water production capacity. Water production capacity shall be defined as the maximum volume of water that meets or exceeds state and federal standards that the water treatment process can produce during a twenty-four (24) hour period. Water production capacity can vary depending on system component reliability and/or raw water conditions or availability.

C. *Stage 3 - Water Shortage Emergency*

A Stage 3 Water Shortage Emergency may be declared in the event of an immediate water shortage, as so declared by state and/or local officials, or when there is one (1) day when water demand exceeds one hundred percent (100%) of the water production capacity. Water production capacity shall be defined as the maximum volume of water that meets or exceeds state and federal standards that the water treatment process can produce during a twenty-four (24) hour period. Water production capacity can vary depending on system component reliability and/or raw water conditions.

5. Notification Procedures

Upon declaration of each stage of Water Shortage Emergency, the following methods may be used to inform the County staff, wholesale customers, County retail customers, and Industrial Customers.

A. *Public Notice*

The Public Utilities Department staff will draft a Public Notice announcing the Water Shortage Stage (Stage 1, Stage 2, or Stage 3) and the actions that water customers must take to comply with the Water Emergency Ordinance. The Public Notice will be provided by the Director or his authorized representative to all media outlets that serve Columbus County. The Public Notice will include phone numbers that customers may call with questions. Sample public notices for Stage 1, 2, and 3 are attached hereto and incorporated herein by reference as Exhibits A, B, and C, respectively.

B. Wholesale Customer Notification

A copy of the Public Notice will be e-mailed or faxed to the Utilities Director for all of the County's Wholesale Customers. The Public Utilities Director or his authorized representative shall call each wholesale customer to confirm the receipt of the Public Notice and to respond to any questions about the notice.

C. Training County Staff

A copy of the Public Notice will be provided to the staffs of the Utilities Customer Service Division, Columbus County Public Utilities, 612 North Madison Street, and Water Distribution Division. Depending on the stage severity, a list of possible questions with the recommended responses will be provided to the staff likely to receive calls from the public.

D. Direct Mailing to Customers

Depending on the stage severity, the County may elect to send a direct mailing to all County water customers. In the event of an immediate need to reduce water consumption, a notice will be sent to all water customers by reasonable means. An insert to the water bill would be the method of communication.

E. Newspaper Advertisement

Depending on the stage severity, the County may elect to purchase space in the local newspapers to inform the public. The advertisement would include the language included in the Public Notice.

6. Stage Conditions

The basis for the determination of a water emergency shall be the County's ability to provide potable water to its customers. For a Stage 1 Water Shortage Emergency, a declaration will be made when the potable water demand or the anticipated potable water demand will be eighty percent (80%) of the combined treatment capacity of the County's wells in each Water District for more than three (3) consecutive days. If the available raw water supply or the treatment capacity is diminished, the eighty percent (80%) level will be determined based upon the amount of raw water available or treatment capacity available.

For a Stage 2 Water Shortage Emergency, a declaration will be made when the potable water demand or the anticipated potable water demand will be ninety percent (90%) of the combined treatment capacity of the County's wells in each individual water district for more than two (2) consecutive days. If the available raw water supply or the treatment capacity is diminished, the ninety percent (90%) level will be determined based upon the amount of raw water available or treatment capacity available.

For a Stage 3 Water Shortage Emergency, a declaration will be made when the potable water demand or the anticipated potable water demand will be one hundred percent (100%) of the combined treatment capacity of the County's wells in each Water District for more than a twenty-four (24) hour period. If the available raw water supply or the treatment capacity is diminished, the one hundred percent (100%) level will be determined based upon the amount of raw water available or treatment capacity available.

The available raw water supply shall be determined by the capacity of the individual wells in each Water District. The flow is measured at each well.

7. Compliance with the Provisions of the Plan

The water plant staff shall monitor potable water levels pumped into the system at the plant and at the booster pump stations to determine the overall demand. By comparing the flow records prior to issuance of the declaration, the staff can determine the level of compliance in each of the pressure zones associated with the booster pump station. The water distribution staff will concentrate its efforts in those areas identified by the plants with the highest levels of apparent non-compliance. The distribution staff will attempt to educate those property owners who are not in compliance with the declaration. After one warning, property owners would be fined for non-compliance.

8. Plan Review and Adoption

The draft Water Shortage Response Plan will be provided to the County Public Utilities staff for review and comment prior to passage by the Board of County Commissioners. After those comments have been addressed, copies will be provided to the County Manager, and the Customer Service Manager. A draft copy of the plan will be submitted to North Carolina Department of Environment and Natural Resources (NC DENR) for review and approval. Once all comments have been received and addressed by the County Manager, Customer Service Manager, and NC DENR, a final draft would be sent to the Board of Commissioners for review. The final document would be sent to the Board of Commissioners for approval. Amendments to the plan would follow the same process with the Board of Commissioners approval required for all amendments.

9. Variances

All appeals for a variance must be submitted to the Director of Public Utilities in writing. The Director of Public Utilities will review the request and the following criteria will be used to determine if a variance can be granted:

- A. Impact on the overall water conservation goals

- B. Potential property damage
- C. Potential alternative sources of water supply
- D. Volume of water to be consumed
- E. Duration of usage
- F. Number of similarly situated property owners

The Director of Public Utilities must provide a written determination on the request for a variance within three (3) working days of the receipt of the variance. If the request for a variance is denied, the property owner has the right to appeal the determination to the Board of Commissioners. The Board of Commissioners would hear the appeal at the next regularly scheduled meeting provided the appeal request is received at least seven (7) days in advance of the next meeting.

10. Evaluation

During the declaration of the Water Shortage Emergency, the County Public Utilities staff will monitor the water usage. The pre-declaration usage will be compared to the post-declaration usage to determine an overall percentage reduction in demand. If the desired reduction in demand has not occurred, changes in the plan or enforcement of the plant will be recommended.

After the water shortage event has concluded, a post-event evaluation will be conducted. Changes in the Water Shortage Response plan will be recommended to the Board of Commissioners based upon the problems and issues that were discovered during the event.

11. Effective Date

This Plan shall have an effective date as of the signature of the Chairman of the Columbus County Board of Commissioners.

Columbus County Board of Commissioners

/s/ Sammie Jacobs, Chairman

Date Signed:

Attested By:

/s/ June B. Hall, Clerk to the Board

The above Plan was passed by the Columbus County Board of Commissioners on November 19, 2007, upon motion by Commissioner McKenzie, seconded by Commissioner Norris, and passed unanimously, and recorded in the minutes of said meeting, Book 30, Page

_____.

Public Notice

Due to the current unprecedented demand for water, Columbus County Public Utilities has declared a Stage 1 Water Shortage Emergency for all Columbus County Public Utilities Customers. Since the Memorial Day holiday weekend, an average of .5 mgd has been consumed by Columbus County's retail customers, industrial customers, and the customers of municipalities served by the County through wholesale water agreements. The peak usage during this period was .7 mgd.

Most of the increase in water consumption during the recent months is attributable to an increase in demand for irrigation due to the drought conditions being experienced throughout the Southeast. During a Stage 1 Water Shortage Emergency, customers are asked to voluntarily conserve water.

Suggested Conservation Methods Include:

- ***Reduce Unnecessary Water Usage:***
Use shower for bathing rather than bathtub and limit shower to no more than five (5) minutes. Do not leave faucets running while shaving, brushing teeth, rinsing or preparing food. Limit hours of water-cooled air conditioners. Do not fill swimming or wading pools. Limit vehicle washing to a minimum.
- ***Irrigate During Off Peak Hours:***
Peak demand for water is between 6:00 A.M. to 10:00 A.M. and 4:00 P.M. to 6:00 P.M. If irrigation is necessary for shrubbery or lawns, irrigate during off peak times.
- ***Check for Leaks and Repair Leaks Immediately:***
Leaks such as running toilets and dripping faucets should be repaired immediately to reduce water consumption.
- ***Do Not Wash Down Outside Areas Such As Driveways, Sidewalks, Patios, Etc.***
- ***Use Heavy Water-Using Appliances During Off Peak Hours:***
Appliances such as dishwashers and washing machines should be run during off peak times to reduce peak demand.
- ***Install Water Conservation Devices:***
Install Water Conservation Devices such as water saving showerheads and early closing flappers for toilets.

If the drought continues and the demand for water continues to increase, the County may implement additional mandatory water conservation measures. If you have any questions regarding this public notice, please contact the County's Public Utilities Department at 910-642-5257 or 910-642-2828.

This Stage 1 Water Shortage Emergency does not affect water use restrictions issued by other utilities in Columbus County.

Stage 2 Water Shortage Emergency Public Notice

Due to the continued drought, Columbus County Public Utilities has now declared a Stage 2 Water Shortage Emergency watch for all Columbus County Public Utilities Customers. Water levels in the Lower Cape Fear River have continued to decrease and the long-range forecast indicated less than normal rainfall amounts. The Governor has urged all state citizens to reduce water consumption during this period of extreme drought.

The demand for water continues at higher than normal levels due to an increase in demand for irrigation due to the drought conditions. During a Stage 2 Water Shortage Emergency watch, customers are prohibited from certain water consuming activities. All residents, businesses, and industries are urged to conserve water during this period.

The following activities are prohibited except as where noted:

Irrigation of residential and commercial landscaping including lawns, grass, shrubbery, trees, flower and vegetable gardens

Exceptions

1. Irrigation using handheld hoses, containers, and drip irrigation systems will be allowed.
2. Plant nurseries will be permitted to irrigate their products only.
3. State and County Licensed Landscape Contractors may water newly installed landscaping by handheld hoses or drip irrigation systems under a written warranty.
4. Golf Courses are allowed to irrigate using water from storm water ponds, wastewater effluent and irrigation wells only.

Washing of any type of mobile equipment including cars, trucks, trailers, boats, airplanes, etc.

Exceptions

1. Businesses that provide car washing or detailing services.
2. Automobile dealers in preparation of sales or delivery.
3. Cleaning of emergency vehicles, garbage trucks and similar vehicles if needed to preserve public health or vehicle function.

Using water to wash outside surfaces such as streets, driveways, parking lots, patios, service station aprons, exterior of office buildings, homes, or apartments

Exceptions

1. Businesses that provide a service of washing the exterior of homes and other buildings.

Using water for any ornamental fountain, pool, pond, etc.

Serving drinking water in restaurants unless specifically requested by the customer

Using potable water for dust control

Filling swimming or wading pools, either newly constructed or previously drained

Exceptions

1. Make up water for pools in operation will be allowed

Using water-cooled air conditioners or other equipment, in which cooling water is not recycled, unless there are health or safety concerns

Using water from a public or private fire hydrant for any reason other than to suppress a fire or other public emergency or as authorized by the Director or his authorized representative

Intentionally wasting water

Commercial and Industrial Water Customers shall achieve mandatory reductions in water usage through whatever means are available. A minimum reduction of twenty percent (20%) shall be the target; however, a greater target reduction percentage may be required depending on the severity of the Water Shortage Emergency. Compliance with the reduction target shall be determined by the Director or his authorized representative. Variances to the target reduction may be granted by the Director or his authorized representative to designated Public Health facilities.

Property owners that use wells for potable water and/or irrigation are also urged to conserve water during this period of drought but are not subject to these restrictions.

Violators are subject to a civil citation of \$500.00 per offense per day.

Repeat offenders may have their water service disconnected.

To report violations of this Water Shortage Emergency watch, please contact the County's Public Utilities Department at 910-642-5257 or e-mail the County at carmelawilliams@columbusco.org. Please provide the time, date, and violation location.

Exhibit C Stage 3 Water Shortage Emergency Public Notice

Due to an immediate water shortage, Columbus County Public Utilities has now declared a Stage 3 Water Shortage Emergency warning for all Columbus County Public Utilities Customers. Water levels in the Lower Cape Fear River have continued to decrease and the long-range forecast indicated less than normal rainfall amounts. The Governor has urged all state citizens to reduce

water consumption during this period of extreme drought.

The demand for water continues at higher than normal levels due to an increase in demand for irrigation due to the drought conditions. During a Stage 3 Water Shortage Emergency warning, the following activities shall be prohibited, in addition to the activities prohibited under the Stage 2 Water Shortage Emergency:

The following activities are prohibited except as where noted:

Irrigation of residential and commercial landscaping including lawns, grass, shrubbery, trees, flower and vegetable gardens

Exceptions

1. Irrigation using handheld hoses, containers, and drip irrigation systems will be allowed.
2. Plant nurseries will be permitted to irrigate their products only.
3. State and County Licensed Landscape Contractors may water newly installed landscaping by handheld hoses or drip irrigation systems under a written warranty.
4. Golf Courses are allowed to irrigate using water from storm water ponds, wastewater effluent and irrigation wells only.

Washing of any type of mobile equipment including cars, trucks, trailers, boats, airplanes, etc.

Exceptions

1. Businesses that provide car washing or detailing services.
2. Automobile dealers in preparation of sales or delivery.
3. Cleaning of emergency vehicles, garbage trucks and similar vehicles if needed to preserve public health or vehicle functions.

Watering any vegetable garden except by handheld hoses, containers, or drip irrigation systems.

Commercial and Industrial Water Customers shall achieve mandatory reductions in water usage through whatever means are available. A minimum reduction of fifty percent (50%) shall be the target; however, a greater target reduction percentage may be required depending on the severity of the Water Shortage Emergency. Compliance with the reduction target shall be determined by the Director or his authorized representative. Variances to the target reduction may be granted by the Director or his authorized representative to designated Public Health facilities.

In the event that the prohibition of the activities listed above is not sufficient to maintain an adequate supply of water for fire protection, all use of water for purposes other than maintenance of public health and safety shall be prohibited. Residential water use shall be limited to the amount necessary to sustain life through drinking, food preparation, and personal hygiene.

Property owners that use wells for potable water and/or irrigation are also urged to conserve water during this period of drought but are not subject to these restrictions.

Violators are subject to a civil citation of \$500.00 per offense per day.

Repeat offenders may have their water service disconnected.

To report violations of this Water Shortage Emergency watch, please contact the County's Public Utilities Department at 910-642-5257 or e-mail the County at carmelawilliams@columbusco.org. Please provide the time, date, and violation location.

Commissioner McKenzie made a motion to approve the **Revised** Water Emergency Ordinance and the **Revised** Water Shortage Response Plan, seconded by Commissioner Gore. The motion unanimously passed.

Agenda Item #23: COLUMBUS COUNTY WATER and SEWER DISTRICT III - AUTHORIZATION for INTERIM COUNTY MANGER to sign AGREEMENT for ENGINEERING SERVICES:

Leroy Sellers, Public Utilities Director, requested Board approval of the authorization for Leo Hunt, Interim County Manager, to sign an Agreement for Engineering Services with Summit Design Group, Incorporated, to construct a Water distribution Interconnect for Emergency Water Transfer.

Vice Chairman Prevatte made a motion to approve the authorization for Leo Hunt, Interim County Manager, to sign an Agreement for Engineering Services with Summit Design Group, Incorporated, to construct a Water distribution Interconnect for Emergency Water Transfer, seconded by Commissioner McKenzie. The motion unanimously passed. A copy of this document will be kept on file in the Minute Book Attachments, Book Number 2, marked as Exhibit "C" for review.

ADJOURNMENT:

At 7:50 P.M., Commissioner McKenzie made a motion to adjourn, seconded by Commissioner Norris. 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, November 19, 2007
7:49 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:

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

MEETING CALLED TO ORDER:

At 7:49 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: WATER BOARDS' MINUTES APPROVAL:

Commissioner Norris made a motion to approve the following Water Boards' Minutes, seconded by Commissioner McKenzie. The motion unanimously carried.

November 05, 2007 **Combination Meeting** of Columbus County water and Sewer District I, II, III, IV and V Board Meeting (**5 sets**).

Agenda Item #21: COLUMBUS COUNTY WATER and SEWER DISTRICT IV - APPROVAL of ADJUSTMENTS to OCTOBER, 2007 WATER BILLS:

Leroy Sellers, Public Utilities Director, requested Board approval of the following adjustments to the October, 2007 water bills for Columbus County Water and Sewer District IV.

DATE	ACCOUNT #	ACCT NAME	ADJUSTM	REASON FOR ADJUSTMENT
10/2/07	410250	ANTHONY GRAHAM	29.00+	MANUAL BILL
10/8/07	410360.00 97	CHARLES WILLIAMSON	25.90-	BILLING ERROR
10/22/07	410360.00 97	CHARLES WILLIAMSON	25.00+	RECONNECT FEE
TOTAL			\$28.10	

Commissioner Norris made a motion to approve the October, 2007 Adjustments to the Columbus County Water and Sewer District IV water bills, seconded by Commissioner McKenzie. The motion unanimously passed.

Agenda Item #22: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V COMBINATION MEETING - APPROVAL and ADOPTION of the REVISED WATER EMERGENCY ORDINANCE and the REVISED WATER SHORTAGE RESPONSE PLAN:

Leroy Sellers, Public Utilities Director, requested Board approval and adoption of the **REVISED** Water Emergency Ordinance, and Board approval of the **REVISED** Water Shortage Response Plan that is required by the State. This will be the first reading of this **REVISED** Ordinance.

WATER EMERGENCY ORDINANCE

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Water Emergency Ordinance

A. Introduction

The County’s Public Utilities Department (henceforth referred to as the “Department”) and the Board of County Commissioners (henceforth referred to as the “Commissioners”) shall have the charge to protect the County’s public water supply and to ensure that the benefactors of this system are assured an adequate supply of water even in times of water shortage. Water shortage can be the result of climatic conditions causing drought or it may be the result of a physical breach in the County’s water supply system (i.e., mechanical failure, cut or broken water main, etc.) impeding the flow of potable or raw

water supply.

B. **Definitions**

1. **“Water Shortage”** - The result of climatic conditions causing drought or the result of a physical breach in the County’s water supply system (i.e. mechanical failure, cut or broken water main, etc.) impeding the flow of potable or raw water supply.
2. **“Water Production Capacity”** - The maximum volume of water that meets or exceeds state and federal standards that the water treatment process can produce during a twenty-four (24) hour period.
3. **“Stage 1 - Water Conservation Alert”** - An immediate water shortage declared by appropriate state and/or local officials or when there are three (3) consecutive days when water demand exceeds eighty percent (80%) of the water production capacity.
4. **“Stage 2 - Water Shortage Warning”** - An immediate water shortage declared by appropriate state and/or local officials or when there are two (2) consecutive days when water demand exceeds ninety percent (90%) of the water production capacity.
5. **“Stage 3 - Water Shortage Danger”** - An immediate water shortage declared by appropriate state and/or local officials or when there is one (1) day when water demand exceeds one hundred percent (100%) of the water production capacity.

C. **Water Emergency Response and Management**

1. **Declaration of Water Emergency**

The Director or his authorized representative is authorized to declare that a water emergency exists. Depending on the severity of the emergency, voluntary (Stage 1) and mandatory (Stage 2 and Stage 3) staged water use restrictions as described in this ordinance shall be imposed upon all water customers.

2. **Staged Water Use Restrictions**

A. **Stage 1 – Water Shortage Emergency**

A Stage 1 Water Shortage Emergency may be declared in the event of an immediate water shortage, as so declared by state and/or local officials, or when there are three (3) consecutive days when water demand exceeds eighty percent (80%) of the water production capacity. Water production capacity shall be defined as the maximum volume of water that meets or exceeds state and federal standards that the water treatment process can produce during a twenty-four (24) hour period. Water production capacity can vary depending on system component reliability and/or raw water conditions. During a declared Stage 1 Water Shortage Emergency the following voluntary water conservation practices shall be encouraged:

1. Inspect and repair all faulty and defective parts of faucets and toilets.

2. Use showers for bathing rather than the bathtub and limit showers to no more than five (5) minutes.
3. Do not leave faucets running while shaving, brushing teeth, rinsing or preparing food.
4. Limit the use of dishwashers and washing machines and when used, operate fully loaded. Operate dishwashers and washing machines after the peak demand hours of 6:00 P.M. to 10:00 P.M.
5. Limit lawn watering to that necessary for plant survival. Water lawns before the peak demand hours of 6:00 A.M. to 10:00 A.M.
6. Shrubbery should be watered at the minimum required amounts. Water shrubbery before the peak demand hours of 6:00 A.M. to 10:00 A.M.
7. Limit vehicle washing to a minimum.
8. Do not wash down outside areas such as sidewalks, driveways, patios, etc.
9. Install water saving showerheads and other water conservation devices.
10. Use disposable and biodegradable dishes where possible.
11. Install water saving devices in toilets such as early closing flappers.
12. Limit hours of water-cooled air conditioners.
13. Do not fill swimming or wading pools.

B. **Stage 2 - Water Shortage Emergency**

A Stage 2 Water Shortage Emergency watch may be declared in the event of an immediate water shortage, as so declared by state and/or local officials, or when there are two (2) consecutive days when water demand exceeds ninety percent (90%) of the water production capacity. Water production capacity shall be defined as the maximum volume of water that meets or exceeds state and federal standards that the water treatment process can produce during a twenty-four (24) hour period. Water production capacity can vary depending on system component reliability and/or raw water conditions. During a declared Stage 2 Water Shortage Emergency the following activities shall be prohibited:

1. Watering lawns, grass, shrubbery, trees, flower and vegetable gardens except by handheld hoses, containers, or drip irrigation systems. A

person who regularly sells plants will be permitted to use water on their commercial stock only. Golf courses are allowed to irrigate using water from storm water ponds, wastewater effluent, and irrigation wells only. State and County licensed landscape contractors may water any plants by handheld hoses or drip irrigation systems under a written warranty.

2. Filling swimming or wading pools, either newly constructed or previously drained.
3. Using water-cooled air conditioners or other equipment, in which cooling water is not recycled, unless there are health or safety concerns.
4. Washing any type of mobile equipment including cars, trucks, trailers, boats or airplanes. Businesses that provide car washing or detailing services and automobile dealers in preparation of sales or delivery may continue to operate. The cleaning of emergency vehicles, garbage trucks, and similar vehicles are excluded if it is necessary to preserve public health or vehicle functions.
5. Washing outside surfaces such as streets, driveways, service station aprons, parking lots or patios. Businesses that provide a service of washing the exterior of homes and other buildings will be an exception.
6. Washing the exterior of office buildings, homes, or apartments. Businesses that provide a service of washing the exterior of homes and other buildings will be an exception.
7. Using water for any ornamental fountain, pool, pond, etc.
8. Serving drinking water in food establishments such as restaurants or cafeterias, unless requested to do so by a customer.
9. Using water from a public or private fire hydrant for any reason other than to suppress a fire or other public emergency or as authorized by the Director or his authorized representative.
10. Using water to control or compact dust.
11. Intentionally wasting water.
12. Commercial and industrial water customers shall achieve mandatory reductions in water usage through whatever means are available. A minimum reduction of twenty percent (20%) shall be the target; however, a greater target reduction percentage may be required depending on the severity of the water shortage emergency. Compliance with the reduction target shall be determined by the Director or his authorized representative. Variances to the target

reduction may be granted by the Director or his authorized representative to designated public health facilities.

C. *Stage 3 - Water Shortage Emergency*

A Stage 3 Water Shortage Emergency warning may be declared in the event of an immediate water shortage, as so declared by state and/or local officials, or when there is one (1) day when water demand exceeds one hundred percent (100%) of the water production capacity. Water production capacity shall be defined as the maximum volume of water that meets or exceeds state and federal standards that the water treatment process can produce during a twenty-four (24) hour period. Water production capacity can vary depending on system component reliability and/or raw water conditions. During a declared Stage 3 Water Shortage Emergency the following activities shall be prohibited, in addition to activities prohibited under Stage 2:

1. Watering lawns, grass, shrubbery, trees, and flowers. Plant nurseries will be permitted to irrigate their products only. State and County Licensed Landscape Contractors may water newly installed landscaping by handheld hoses or drip irrigation systems under a written warranty. Golf courses are allowed to irrigate using water from storm water ponds, wastewater effluent, and irrigation wells only.
2. Washing any type of mobile equipment including cars, trucks, trailers, boats, airplanes, etc. Businesses that provide car washing or detailing services and automobile dealers in preparation of sales or delivery may continue to operate. The cleaning of emergency vehicles, garbage trucks, and similar vehicles are excluded if necessary to preserve public health or vehicle functions.
3. Watering any vegetable garden except by handheld hoses, containers, or drip irrigation systems.
4. Commercial and industrial water customers shall achieve mandatory reductions in water usage through whatever means are available. A minimum reduction of fifty percent (50%) shall be the target; however, a greater target reduction percentage may be required depending on the severity of the water emergency. Compliance with the reduction target shall be determined by the Director or his authorized representative. Variances to the target reduction may be granted by the Director or his authorized representative to designated Public Health facilities.
5. In the event that the prohibition of the activities listed above is not sufficient to maintain an adequate supply of water for fire protection, all use of water for purposes other than maintenance of public health and safety shall be prohibited. Residential water use shall be limited to the amount necessary to sustain life through drinking, food preparation, and personal hygiene.

3. **Compliance Plan During Stage 2 and Stage 3 Emergencies**

The Director or his authorized representative may require that commercial and industrial water customers prepare plans detailing measures to be taken by them to achieve mandatory reductions in daily water usage during Stage 2 and Stage 3 emergencies. Such plans shall be completed within sixty (60) calendar days after receipt of notice to prepare them.

4. **Penalties for Violation of Mandatory Restrictions**

Any user who is found to have failed to comply with any of the mandatory restrictions set forth herein these Regulations may be fined in accordance with North Carolina General Statute 153A-123© in conjunction with North Carolina General Statute Section 14-4, attached hereto and incorporated herein by reference as Exhibits A and B. The amount of the fine is to be set greater than \$50.00 (fifty dollars) by the Columbus County Board of Commissioners and recorded with the Clerk to the Board. This is to be recovered by the County in a civil action in the nature of debt if the offender does not pay the penalty within fifteen (15) calendar days of being cited for the violation. Each day's continuing violation shall be considered as a separate and distinct offense.

5. **Authority to Discontinue Service**

Pursuant to the provisions of North Carolina General State 153A-123, water service may be temporarily discontinued for a reasonable amount of time for failure to comply with the mandatory restrictions in this ordinance. All applicable penalty fees may be applied in the event of such service suspensions. In the event of continued non-compliance with this ordinance, after a reasonable amount of time, removal of meter and service will be deemed proper and service will be discontinued. Any and all tap fees and account deposits will be forfeited.

6. **Appeals by Customers of Penalties and Termination of Service**

Any user who received a penalty and/or has service terminated as a result of violations of the mandatory restrictions in this ordinance may appeal upon notification to the Director. The Director shall be the final decision maker for appeals and shall transmit a written copy of the final decision by United States certified mail to said user or user's agent within three (3) calendar days after notification.

7. **Adoption and Enforcement of Ordinance by Public or Private Water System**

Unless enforcement will breach previous agreement, public or private water systems purchasing water from the County shall adopt and enforce this entire ordinance as a condition of water service. Upon declaration of a water shortage emergency, the public or private water systems shall, within a reasonable amount of time, enforce the appropriate water use restrictions for the level of declared emergency.

8. **Termination of Restrictions**

A water emergency declaration will expire when the Director or his authorized

representative determines that, based upon reasonable information, the condition that caused the emergency has abated. The expiration or cancellation of a water shortage emergency declaration shall, within a reasonable amount of time and with reasonable means, be promptly and extensively publicized.

9. Effective Date

This Ordinance shall have an effective date as of the signature of the Chairman of the Columbus County Board of Commissioners.

Columbus County Board of Commissioners

/s/ **JAMES E PREVATTE**, Chairman

Date Signed: December 03, 2007

Attested by:

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

The above Ordinance was passed by the Columbus County Board of Commissioners on December 03, 2007, upon motion by Commissioner Amon E. McKenzie, seconded by Commissioner Ronald Gore and passed unanimously, and recorded in the minutes of said meeting, Book 30, Pages _____.

Exhibit "A"

N.C. Gen. Stat. § 153-A-123

CHAPTER 153A. COUNTIES

ARTICLE 6. DELEGATION AND EXERCISE OF THE GENERAL POLICE POWER

N.C. Gen. Stat. § 153A-123 (2007)

§ 153A-123. Enforcement of ordinances

(a) A county may provide for fines and penalties for violation of its ordinances and may secure injunctions and abatement orders to further insure compliance with its ordinances, as provided by this section.

(b) Unless the board of commissioners has provided otherwise, violation of a county ordinance is a misdemeanor or infraction as provided by G.S. 14-4. An ordinance may provide by express statement that the maximum fine, term of imprisonment, or infraction penalty to be imposed for a violation is some amount of money or number of days less than the maximum imposed by G.S. 14-4.

© An ordinance may provide that violation subjects the offender to a civil penalty to be recovered by the county in a civil action in the nature of debt if the offender does not pay the penalty within a prescribed period of time after he has been cited for violation of the ordinance.

(c1) An ordinance may provide for the recovery of a civil penalty by the county for violation of the fire prevention code of the State Building Code as authorized under G.S. 143-139.

(d) An ordinance may provide that it may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such a case, the General Court of Justice has

jurisdiction to issue any order that may be appropriate, and it is not a defense to the county's application for equitable relief that there is an adequate remedy at law.

(e) An ordinance that makes unlawful a condition existing upon or use made of real property may provide that it may be enforced by injunction and order of abatement, and the General Court of Justice has jurisdiction to issue such an order. When a violation of such an ordinance occurs, the county may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular.

In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the cause. An order of abatement may direct that buildings or other structures on the property be closed, demolished, or removed; that fixtures, furniture, or other movable property be removed from buildings on the property; that grass and weeds be cut; that improvements or repairs be made; or that any other action be taken that it necessary to bring the property into compliance with the ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt and the county may execute the order of abatement. If the county executes the order, it has a lien on the property, in the nature of a mechanic's and materialman's lien, for the costs of executing the order. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the clerk or superior court in an amount approved by the judge before whom the matter was heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within the time fixed by the judge. Cancellation of an order of abatement does not suspend or cancel an injunction issued in conjunction with the order.

(f) Subject to the express terms of the ordinance, a county ordinance may be enforced by any one or more of the remedies authorized by this section.

(g) A county ordinance may provide, when appropriate, that each day's continuing violation is a separate and distinct offense.

Exhibit "B"

N.C. Gen. Stat. § 14-4

GENERAL STATUTES OF NORTH CAROLINA

CHAPTER 14. CRIMINAL LAW

SUBCHAPTER 01. GENERAL PROVISIONS

ARTICLE 1. FELONIES AND MISDEMEANORS

N.C. Gen. Stat. § 14-4 (2007)

§ 14-4. Violation of local ordinances misdemeanor

(a) Except as provided in subsection (b), if any person shall violate an ordinance of a county,

city, town, or metropolitan sewerage district created under Article 5 of Chapter 162A, he shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$ 500.00) No fine shall exceed fifty dollars (\$ 50.00) unless the ordinance expressly states that the maximum fine is greater than fifty dollars (\$ 50.00).

(b) If any person shall violate an ordinance of a county, city, or town regulating the operation or parking of vehicles, he shall be responsible for an infraction and shall be required to pay a penalty of not more than fifty dollars (\$ 50.00).

Water Shortage Response Plan

1. Purpose

The purpose of the Water Shortage Response Plan is to provide guidance to the Public Utilities staff, County Administration, and the customers of the Columbus County Public Utilities during periods of drought and other events that result in a shortage of potable water. The Water Shortage Response Plan is intended to provide a framework of steps and activities to be implemented as conditions require.

2. Definitions

- A. **“Water Shortage”** - The result of climatic conditions causing drought or the result of a physical breach in the County’s water supply system (i.e. mechanical failure, cut or broken water main, etc.) impeding the flow of potable or raw water supply.
- B. **“Water Production Capacity”** - The maximum volume of water that meets or exceeds state and federal standards that the water treatment process can produce during a twenty-four period.
- C. **“Stage 1 - Water Conservation Alert”** - An immediate water shortage declared by appropriate state and/or local officials when there are three (3) consecutive days when water demand exceeds eighty percent (80%) of the water production capacity.
- D. **“Stage 2 - Water Shortage Warning”** - An immediate water shortage declared by appropriate state and/or local officials or when there are two (2) consecutive days when water demand exceeds ninety percent (90%) of the water production capacity.
- E. **“Stage 3 - Water Shortage Danger”** - An immediate water shortage declared by appropriate state and/or local officials or when there is one (1) day when water demand exceeds one hundred percent (100%) of the water production capacity.

3. Responsibility for Declaration of a Water Shortage

Under the County’s current Water Emergency Ordinance, the Director or his authorized representative is authorized to declare that a water emergency exists. Depending on the severity of the emergency, voluntary (Stage 1) and mandatory (Stage 2 and Stage 3) staged water use restrictions as described in this ordinance shall be imposed upon all water. This declaration shall be made after consultation with the Public Utilities staff, County Administration, and County wholesale customers.

4. Shortage Response Action Levels

A. *Stage 1 - Water Shortage Emergency*

A Stage 1 Water Shortage Emergency may be declared in the event of an immediate water shortage, as so declared by state and/or local officials, or when there are three (3) consecutive days when water demand exceeds eighty percent (80%) of the total water plant production capacity. Water production capacity shall be defined as the maximum volume of water that meets or exceeds state and federal standards that the water treatment plant process can produce during a twenty-four (24) hour period. Water production capacity can vary depending on system component reliability and/or raw water conditions or availability.

B. *Stage 2 - Water Shortage Emergency*

A Stage 2 Water Shortage Emergency may be declared in the event of an immediate water shortage, as so declared by state and/or local officials, or when there are two (2) consecutive days when water demand exceeds ninety percent (90%) of the water production capacity. Water production capacity shall be defined as the maximum volume of water that meets or exceeds state and federal standards that the water treatment process can produce during a twenty-four (24) hour period. Water production capacity can vary depending on system component reliability and/or raw water conditions or availability.

C. *Stage 3 - Water Shortage Emergency*

A Stage 3 Water Shortage Emergency may be declared in the event of an immediate water shortage, as so declared by state and/or local officials, or when there is one (1) day when water demand exceeds one hundred percent (100%) of the water production capacity. Water production capacity shall be defined as the maximum volume of water that meets or exceeds state and federal standards that the water treatment process can produce during a twenty-four (24) hour period. Water production capacity can vary depending on system component reliability and/or raw water conditions.

5. Notification Procedures

Upon declaration of each stage of Water Shortage Emergency, the following methods may be used to inform the County staff, wholesale customers, County retail customers, and Industrial Customers.

A. *Public Notice*

The Public Utilities Department staff will draft a Public Notice announcing the Water Shortage Stage (Stage 1, Stage 2, or Stage 3) and the actions that water customers must take to comply with the Water Emergency Ordinance. The Public Notice will be provided by the Director or his authorized representative to all media outlets that serve Columbus County. The Public Notice will include phone numbers that customers may call with questions. Sample public notices for Stage 1, 2, and 3

are attached hereto and incorporated herein by reference as Exhibits A, B, and C, respectively.

B. Wholesale Customer Notification

A copy of the Public Notice will be e-mailed or faxed to the Utilities Director for all of the County's Wholesale Customers. The Public Utilities Director or his authorized representative shall call each wholesale customer to confirm the receipt of the Public Notice and to respond to any questions about the notice.

C. Training County Staff

A copy of the Public Notice will be provided to the staffs of the Utilities Customer Service Division, Columbus County Public Utilities, 612 North Madison Street, and Water Distribution Division. Depending on the stage severity, a list of possible questions with the recommended responses will be provided to the staff likely to receive calls from the public.

D. Direct Mailing to Customers

Depending on the stage severity, the County may elect to send a direct mailing to all County water customers. In the event of an immediate need to reduce water consumption, a notice will be sent to all water customers by reasonable means. An insert to the water bill would be the method of communication.

E. Newspaper Advertisement

Depending on the stage severity, the County may elect to purchase space in the local newspapers to inform the public. The advertisement would include the language included in the Public Notice.

6. Stage Conditions

The basis for the determination of a water emergency shall be the County's ability to provide potable water to its customers. For a Stage 1 Water Shortage Emergency, a declaration will be made when the potable water demand or the anticipated potable water demand will be eighty percent (80%) of the combined treatment capacity of the County's wells in each Water District for more than three (3) consecutive days. If the available raw water supply or the treatment capacity is diminished, the eighty percent (80%) level will be determined based upon the amount of raw water available or treatment capacity available.

For a Stage 2 Water Shortage Emergency, a declaration will be made when the potable water demand or the anticipated potable water demand will be ninety percent (90%) of the combined treatment capacity of the County's wells in each individual water district for more than two (2) consecutive days. If the available raw water supply or the treatment capacity is diminished, the ninety percent (90%) level will be determined based upon the amount of raw water available or treatment capacity available.

For a Stage 3 Water Shortage Emergency, a declaration will be made when the potable water demand or the anticipated potable water demand will be one hundred percent (100%) of the combined treatment capacity of the County's wells in each Water District for more than a twenty-four (24) hour period. If the available raw water supply or the treatment capacity is diminished, the one hundred percent (100%) level will be determined based upon the amount of raw water available or treatment capacity available.

The available raw water supply shall be determined by the capacity of the individual wells in each Water District. The flow is measured at each well.

7. Compliance with the Provisions of the Plan

The water plant staff shall monitor potable water levels pumped into the system at the plant and at the booster pump stations to determine the overall demand. By comparing the flow records prior to issuance of the declaration, the staff can determine the level of compliance in each of the pressure zones associated with the booster pump station. The water distribution staff will concentrate its efforts in those areas identified by the plants with the highest levels of apparent non-compliance. The distribution staff will attempt to educate those property owners who are not in compliance with the declaration. After one warning, property owners would be fined for non-compliance.

8. Plan Review and Adoption

The draft Water Shortage Response Plan will be provided to the County Public Utilities staff for review and comment prior to passage by the Board of County Commissioners. After those comments have been addressed, copies will be provided to the County Manager, and the Customer Service Manager. A draft copy of the plan will be submitted to North Carolina Department of Environment and Natural Resources (NC DENR) for review and approval. Once all comments have been received and addressed by the County Manager, Customer Service Manager, and NC DENR, a final draft would be sent to the Board of Commissioners for review. The final document would be sent to the Board of Commissioners for approval. Amendments to the plan would follow the same process with the Board of Commissioners approval required for all amendments.

9. Variances

All appeals for a variance must be submitted to the Director of Public Utilities in writing. The Director of Public Utilities will review the request and the following criteria will be used to determine if a variance can be granted:

- A. Impact on the overall water conservation goals
- B. Potential property damage
- C. Potential alternative sources of water supply
- D. Volume of water to be consumed
- E. Duration of usage

F. Number of similarly situated property owners

The Director of Public Utilities must provide a written determination on the request for a variance within three (3) working days of the receipt of the variance. If the request for a variance is denied, the property owner has the right to appeal the determination to the Board of Commissioners. The Board of Commissioners would hear the appeal at the next regularly scheduled meeting provided the appeal request is received at least seven (7) days in advance of the next meeting.

10. Evaluation

During the declaration of the Water Shortage Emergency, the County Public Utilities staff will monitor the water usage. The pre-declaration usage will be compared to the post-declaration usage to determine an overall percentage reduction in demand. If the desired reduction in demand has not occurred, changes in the plan or enforcement of the plan will be recommended.

After the water shortage event has concluded, a post-event evaluation will be conducted. Changes in the Water Shortage Response plan will be recommended to the Board of Commissioners based upon the problems and issues that were discovered during the event.

11. Effective Date

This Plan shall have an effective date as of the signature of the Chairman of the Columbus County Board of Commissioners.

Columbus County Board of Commissioners

/s/ Sammie Jacobs, Chairman

Date Signed:

Attested By:

/s/ June B. Hall, Clerk to the Board

The above Plan was passed by the Columbus County Board of Commissioners on November 19, 2007, upon motion by Commissioner McKenzie, seconded by Commissioner Norris, and passed unanimously, and recorded in the minutes of said meeting, Book 30, Page _____.

**Exhibit A
Stage 1 Water Shortage Emergency
Public Notice**

Due to the current unprecedented demand for water, Columbus County Public Utilities has declared a Stage 1 Water Shortage Emergency for all Columbus County Public Utilities Customers. Since the Memorial Day holiday weekend, an average of .5 mgd has been consumed by Columbus County's retail customers, industrial customers, and the customers of municipalities served by the

County through wholesale water agreements. The peak usage during this period was .7 mgd.

Most of the increase in water consumption during the recent months is attributable to an increase in demand for irrigation due to the drought conditions being experienced throughout the Southeast. During a Stage 1 Water Shortage Emergency, customers are asked to voluntarily conserve water.

Suggested Conservation Methods Include:

- ***Reduce Unnecessary Water Usage:***
Use shower for bathing rather than bathtub and limit shower to no more than five (5) minutes. Do not leave faucets running while shaving, brushing teeth, rinsing or preparing food. Limit hours of water-cooled air conditioners. Do not fill swimming or wading pools. Limit vehicle washing to a minimum.
- ***Irrigate During Off Peak Hours:***
Peak demand for water is between 6:00 A.M. to 10:00 A.M. and 4:00 P.M. to 6:00 P.M. If irrigation is necessary for shrubbery or lawns, irrigate during off peak times.
- ***Check for Leaks and Repair Leaks Immediately:***
Leaks such as running toilets and dripping faucets should be repaired immediately to reduce water consumption.
- ***Do Not Wash Down Outside Areas Such As Driveways, Sidewalks, Patios, Etc.***
- ***Use Heavy Water-Using Appliances During Off Peak Hours:***
Appliances such as dishwashers and washing machines should be run during off peak times to reduce peak demand.
- ***Install Water Conservation Devices:***
Install Water Conservation Devices such as water saving showerheads and early closing flappers for toilets.

If the drought continues and the demand for water continues to increase, the County may implement additional mandatory water conservation measures. If you have any questions regarding this public notice, please contact the County's Public Utilities Department at 910-642-5257 or 910-642-2828.

This Stage 1 Water Shortage Emergency does not affect water use restrictions issued by other utilities in Columbus County.

Exhibit B
Stage 2 Water Shortage Emergency
Public Notice

Due to the continued drought, Columbus County Public Utilities has now declared a Stage 2 Water Shortage Emergency watch for all Columbus County Public Utilities Customers. Water levels in the Lower Cape Fear River have continued to decrease and the long-range forecast indicated less than normal rainfall amounts. The Governor has urged all state citizens to reduce

water consumption during this period of extreme drought.

The demand for water continues at higher than normal levels due to an increase in demand for irrigation due to the drought conditions. During a Stage 2 Water Shortage Emergency watch, customers are prohibited from certain water consuming activities. All residents, businesses, and industries are urged to conserve water during this period.

The following activities are prohibited except as where noted:

Irrigation of residential and commercial landscaping including lawns, grass, shrubbery, trees, flower and vegetable gardens

Exceptions

1. Irrigation using handheld hoses, containers, and drip irrigation systems will be allowed.
2. Plant nurseries will be permitted to irrigate their products only.
3. State and County Licensed Landscape Contractors may water newly installed landscaping by handheld hoses or drip irrigation systems under a written warranty.
4. Golf Courses are allowed to irrigate using water from storm water ponds, wastewater effluent and irrigation wells only.

Washing of any type of mobile equipment including cars, trucks, trailers, boats, airplanes, etc.

Exceptions

1. Businesses that provide car washing or detailing services.
2. Automobile dealers in preparation of sales or delivery.
3. Cleaning of emergency vehicles, garbage trucks and similar vehicles if needed to preserve public health or vehicle function.

Using water to wash outside surfaces such as streets, driveways, parking lots, patios, service station aprons, exterior of office buildings, homes, or apartments

Exceptions

1. Businesses that provide a service of washing the exterior of homes and other buildings.

Using water for any ornamental fountain, pool, pond, etc.

Serving drinking water in restaurants unless specifically requested by the customer

Using potable water for dust control

Filling swimming or wading pools, either newly constructed or previously drained

Exceptions

1. Make up water for pools in operation will be allowed

Using water-cooled air conditioners or other equipment, in which cooling water is not recycled, unless there are health or safety concerns

Using water from a public or private fire hydrant for any reason other than to suppress a fire or other public emergency or as authorized by the Director or his authorized representative

Intentionally wasting water

Commercial and Industrial Water Customers shall achieve mandatory reductions in water usage through whatever means are available. A minimum reduction of twenty percent (20%) shall be the target; however, a greater target reduction percentage may be required depending on the severity of the Water Shortage Emergency. Compliance with the reduction target shall be determined by the Director or his authorized representative. Variances to the target reduction may be granted by the Director or his authorized representative to designated Public Health facilities.

Property owners that use wells for potable water and/or irrigation are also urged to conserve water during this period of drought but are not subject to these restrictions.

Violators are subject to a civil citation of \$500.00 per offense per day.

Repeat offenders may have their water service disconnected.

To report violations of this Water Shortage Emergency watch, please contact the County's Public Utilities Department at 910-642-5257 or e-mail the County at carmelawilliams@columbusco.org. Please provide the time, date, and violation location.

Exhibit C Stage 3 Water Shortage Emergency Public Notice

Due to an immediate water shortage, Columbus County Public Utilities has now declared a Stage 3 Water Shortage Emergency warning for all Columbus County Public Utilities Customers. Water levels in the Lower Cape Fear River have continued to decrease and the long-range forecast indicated less than normal rainfall amounts. The Governor has urged all state citizens to reduce water consumption during this period of extreme drought.

The demand for water continues at higher than normal levels due to an increase in demand for irrigation due to the drought conditions. During a Stage 3 Water Shortage Emergency warning, the following activities shall be prohibited, in addition to the activities prohibited under the Stage 2 Water Shortage Emergency:

The following activities are prohibited except as where noted:

Irrigation of residential and commercial landscaping including lawns, grass, shrubbery, trees, flower and vegetable gardens

Exceptions

1. Irrigation using handheld hoses, containers, and drip irrigation systems will be allowed.
2. Plant nurseries will be permitted to irrigate their products only.
3. State and County Licensed Landscape Contractors may water newly installed landscaping by handheld hoses or drip irrigation systems under a written warranty.
4. Golf Courses are allowed to irrigate using water from storm water ponds, wastewater effluent and irrigation wells only.

Washing of any type of mobile equipment including cars, trucks, trailers, boats, airplanes, etc.

Exceptions

1. Businesses that provide car washing or detailing services.
2. Automobile dealers in preparation of sales or delivery.
3. Cleaning of emergency vehicles, garbage trucks and similar vehicles if needed to preserve public health or vehicle functions.

Watering any vegetable garden except by handheld hoses, containers, or drip irrigation systems.

Commercial and Industrial Water Customers shall achieve mandatory reductions in water usage through whatever means are available. A minimum reduction of fifty percent (50%) shall be the target; however, a greater target reduction percentage may be required depending on the severity of the Water Shortage Emergency. Compliance with the reduction target shall be determined by the Director or his authorized representative. Variances to the target reduction may be granted by the Director or his authorized representative to designated Public Health facilities.

In the event that the prohibition of the activities listed above is not sufficient to maintain an adequate supply of water for fire protection, all use of water for purposes other than maintenance of public health and safety shall be prohibited. Residential water use shall be limited to the amount necessary to sustain life through drinking, food preparation, and personal hygiene.

Property owners that use wells for potable water and/or irrigation are also urged to conserve water during this period of drought but are not subject to these restrictions.

Violators are subject to a civil citation of \$500.00 per offense per day.

Repeat offenders may have their water service disconnected.

To report violations of this Water Shortage Emergency watch, please contact the County's

Public Utilities Department at 910-642-5257 or e-mail the County at carmelawilliams@columbusco.org. Please provide the time, date, and violation location.

Commissioner McKenzie made a motion to approve the **Revised** Water Emergency Ordinance and the **Revised** Water Shortage Response Plan, seconded by Commissioner Gore. The motion unanimously passed.

ADJOURNMENT:

At 7:50 P.M., Commissioner McKenzie made a motion to adjourn, seconded by Commissioner Norris. 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, November 19, 2007
7:49 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:

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

MEETING CALLED TO ORDER:

At 7:49 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: WATER BOARDS' MINUTES APPROVAL:

Commissioner Norris made a motion to approve the following Water Boards' Minutes, seconded by Commissioner McKenzie. The motion unanimously carried.

November 05, 2007 **Combination Meeting** of Columbus County water and Sewer District I, II, III, IV and V Board Meeting (5 sets).

Agenda Item #21: COLUMBUS COUNTY WATER and SEWER DISTRICT V - APPROVAL of ADJUSTMENTS to OCTOBER, 2007 WATER BILLS:

Leroy Sellers, Public Utilities Director, requested Board approval of the following adjustments to the October, 2007 water bills for Columbus County Water and Sewer District V.

DATE	ACCOUNT #	ACCT NAME	ADJUSTM	REASON FOR ADJUSTMENT
10/8/07	701250	BALFOUR BEATTY	3600.00+	MANUAL BILL
10/29/07	706400	RAGSDALE ALLSBROOK	30.00-	CUSTOMER NOT CONNECTED
TOTAL			\$3,570.00	

Commissioner Norris made a motion to approve the October, 2007 Adjustments to the Columbus County Water and Sewer District V water bills, seconded by Commissioner McKenzie. The motion unanimously passed.

Agenda Item #22: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V COMBINATION MEETING - APPROVAL and ADOPTION of the REVISED WATER EMERGENCY ORDINANCE and the REVISED WATER SHORTAGE RESPONSE PLAN:

Leroy Sellers, Public Utilities Director, requested Board approval and adoption of the **REVISED** Water Emergency Ordinance, and Board approval of the **REVISED** Water Shortage Response Plan that is required by the State. This will be the first reading of this **REVISED** Ordinance.

WATER EMERGENCY ORDINANCE

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Water Emergency Ordinance

A. Introduction

The County’s Public Utilities Department (henceforth referred to as the “Department”) and the Board of County Commissioners (henceforth referred to as the “Commissioners”) shall have the charge to protect the County’s public water supply and to ensure that the benefactors of this system are assured an adequate supply of water even in times of water shortage. Water shortage can be the result of climatic conditions causing drought or it may be the result of a physical breach in the County’s water supply system (i.e., mechanical failure, cut or broken water main, etc.) impeding the flow of potable or raw

water supply.

B. **Definitions**

1. **“Water Shortage”** - The result of climatic conditions causing drought or the result of a physical breach in the County’s water supply system (i.e. mechanical failure, cut or broken water main, etc.) impeding the flow of potable or raw water supply.
2. **“Water Production Capacity”** - The maximum volume of water that meets or exceeds state and federal standards that the water treatment process can produce during a twenty-four (24) hour period.
3. **“Stage 1 - Water Conservation Alert”** - An immediate water shortage declared by appropriate state and/or local officials or when there are three (3) consecutive days when water demand exceeds eighty percent (80%) of the water production capacity.
4. **“Stage 2 - Water Shortage Warning”** - An immediate water shortage declared by appropriate state and/or local officials or when there are two (2) consecutive days when water demand exceeds ninety percent (90%) of the water production capacity.
5. **“Stage 3 - Water Shortage Danger”** - An immediate water shortage declared by appropriate state and/or local officials or when there is one (1) day when water demand exceeds one hundred percent (100%) of the water production capacity.

C. **Water Emergency Response and Management**

1. **Declaration of Water Emergency**

The Director or his authorized representative is authorized to declare that a water emergency exists. Depending on the severity of the emergency, voluntary (Stage 1) and mandatory (Stage 2 and Stage 3) staged water use restrictions as described in this ordinance shall be imposed upon all water customers.

2. **Staged Water Use Restrictions**

A. **Stage 1 – Water Shortage Emergency**

A Stage 1 Water Shortage Emergency may be declared in the event of an immediate water shortage, as so declared by state and/or local officials, or when there are three (3) consecutive days when water demand exceeds eighty percent (80%) of the water production capacity. Water production capacity shall be defined as the maximum volume of water that meets or exceeds state and federal standards that the water treatment process can produce during a twenty-four (24) hour period. Water production capacity can vary depending on system component reliability and/or raw water conditions. During a declared Stage 1 Water Shortage Emergency the following voluntary water conservation practices shall be encouraged:

1. Inspect and repair all faulty and defective parts of faucets and toilets.

2. Use showers for bathing rather than the bathtub and limit showers to no more than five (5) minutes.
3. Do not leave faucets running while shaving, brushing teeth, rinsing or preparing food.
4. Limit the use of dishwashers and washing machines and when used, operate fully loaded. Operate dishwashers and washing machines after the peak demand hours of 6:00 P.M. to 10:00 P.M.
5. Limit lawn watering to that necessary for plant survival. Water lawns before the peak demand hours of 6:00 A.M. to 10:00 A.M.
6. Shrubbery should be watered at the minimum required amounts. Water shrubbery before the peak demand hours of 6:00 A.M. to 10:00 A.M.
7. Limit vehicle washing to a minimum.
8. Do not wash down outside areas such as sidewalks, driveways, patios, etc.
9. Install water saving showerheads and other water conservation devices.
10. Use disposable and biodegradable dishes where possible.
11. Install water saving devices in toilets such as early closing flappers.
12. Limit hours of water-cooled air conditioners.
13. Do not fill swimming or wading pools.

B. **Stage 2 - Water Shortage Emergency**

A Stage 2 Water Shortage Emergency watch may be declared in the event of an immediate water shortage, as so declared by state and/or local officials, or when there are two (2) consecutive days when water demand exceeds ninety percent (90%) of the water production capacity. Water production capacity shall be defined as the maximum volume of water that meets or exceeds state and federal standards that the water treatment process can produce during a twenty-four (24) hour period. Water production capacity can vary depending on system component reliability and/or raw water conditions. During a declared Stage 2 Water Shortage Emergency the following activities shall be prohibited:

1. Watering lawns, grass, shrubbery, trees, flower and vegetable gardens except by handheld hoses, containers, or drip irrigation systems. A

person who regularly sells plants will be permitted to use water on their commercial stock only. Golf courses are allowed to irrigate using water from storm water ponds, wastewater effluent, and irrigation wells only. State and County licensed landscape contractors may water any plants by handheld hoses or drip irrigation systems under a written warranty.

2. Filling swimming or wading pools, either newly constructed or previously drained.
3. Using water-cooled air conditioners or other equipment, in which cooling water is not recycled, unless there are health or safety concerns.
4. Washing any type of mobile equipment including cars, trucks, trailers, boats or airplanes. Businesses that provide car washing or detailing services and automobile dealers in preparation of sales or delivery may continue to operate. The cleaning of emergency vehicles, garbage trucks, and similar vehicles are excluded if it is necessary to preserve public health or vehicle functions.
5. Washing outside surfaces such as streets, driveways, service station aprons, parking lots or patios. Businesses that provide a service of washing the exterior of homes and other buildings will be an exception.
6. Washing the exterior of office buildings, homes, or apartments. Businesses that provide a service of washing the exterior of homes and other buildings will be an exception.
7. Using water for any ornamental fountain, pool, pond, etc.
8. Serving drinking water in food establishments such as restaurants or cafeterias, unless requested to do so by a customer.
9. Using water from a public or private fire hydrant for any reason other than to suppress a fire or other public emergency or as authorized by the Director or his authorized representative.
10. Using water to control or compact dust.
11. Intentionally wasting water.
12. Commercial and industrial water customers shall achieve mandatory reductions in water usage through whatever means are available. A minimum reduction of twenty percent (20%) shall be the target; however, a greater target reduction percentage may be required depending on the severity of the water shortage emergency. Compliance with the reduction target shall be determined by the Director or his authorized representative. Variances to the target

reduction may be granted by the Director or his authorized representative to designated public health facilities.

C. **Stage 3 - Water Shortage Emergency**

A Stage 3 Water Shortage Emergency warning may be declared in the event of an immediate water shortage, as so declared by state and/or local officials, or when there is one (1) day when water demand exceeds one hundred percent (100%) of the water production capacity. Water production capacity shall be defined as the maximum volume of water that meets or exceeds state and federal standards that the water treatment process can produce during a twenty-four (24) hour period. Water production capacity can vary depending on system component reliability and/or raw water conditions. During a declared Stage 3 Water Shortage Emergency the following activities shall be prohibited, in addition to activities prohibited under Stage 2:

1. Watering lawns, grass, shrubbery, trees, and flowers. Plant nurseries will be permitted to irrigate their products only. State and County Licensed Landscape Contractors may water newly installed landscaping by handheld hoses or drip irrigation systems under a written warranty. Golf courses are allowed to irrigate using water from storm water ponds, wastewater effluent, and irrigation wells only.
2. Washing any type of mobile equipment including cars, trucks, trailers, boats, airplanes, etc. Businesses that provide car washing or detailing services and automobile dealers in preparation of sales or delivery may continue to operate. The cleaning of emergency vehicles, garbage trucks, and similar vehicles are excluded if necessary to preserve public health or vehicle functions.
3. Watering any vegetable garden except by handheld hoses, containers, or drip irrigation systems.
4. Commercial and industrial water customers shall achieve mandatory reductions in water usage through whatever means are available. A minimum reduction of fifty percent (50%) shall be the target; however, a greater target reduction percentage may be required depending on the severity of the water emergency. Compliance with the reduction target shall be determined by the Director or his authorized representative. Variances to the target reduction may be granted by the Director or his authorized representative to designated Public Health facilities.
5. In the event that the prohibition of the activities listed above is not sufficient to maintain an adequate supply of water for fire protection, all use of water for purposes other than maintenance of public health and safety shall be prohibited. Residential water use shall be limited to the amount necessary to sustain life through drinking, food preparation, and personal hygiene.

3. **Compliance Plan During Stage 2 and Stage 3 Emergencies**

The Director or his authorized representative may require that commercial and industrial water customers prepare plans detailing measures to be taken by them to achieve mandatory reductions in daily water usage during Stage 2 and Stage 3 emergencies. Such plans shall be completed within sixty (60) calendar days after receipt of notice to prepare them.

4. Penalties for Violation of Mandatory Restrictions

Any user who is found to have failed to comply with any of the mandatory restrictions set forth herein these Regulations may be fined in accordance with North Carolina General Statute 153A-123© in conjunction with North Carolina General Statute Section 14-4, attached hereto and incorporated herein by reference as Exhibits A and B. The amount of the fine is to be set greater than \$50.00 (fifty dollars) by the Columbus County Board of Commissioners and recorded with the Clerk to the Board. This is to be recovered by the County in a civil action in the nature of debt if the offender does not pay the penalty within fifteen (15) calendar days of being cited for the violation. Each day's continuing violation shall be considered as a separate and distinct offense.

5. Authority to Discontinue Service

Pursuant to the provisions of North Carolina General State 153A-123, water service may be temporarily discontinued for a reasonable amount of time for failure to comply with the mandatory restrictions in this ordinance. All applicable penalty fees may be applied in the event of such service suspensions. In the event of continued non-compliance with this ordinance, after a reasonable amount of time, removal of meter and service will be deemed proper and service will be discontinued. Any and all tap fees and account deposits will be forfeited.

6. Appeals by Customers of Penalties and Termination of Service

Any user who received a penalty and/or has service terminated as a result of violations of the mandatory restrictions in this ordinance may appeal upon notification to the Director. The Director shall be the final decision maker for appeals and shall transmit a written copy of the final decision by United States certified mail to said user or user's agent within three (3) calendar days after notification.

7. Adoption and Enforcement of Ordinance by Public or Private Water System

Unless enforcement will breach previous agreement, public or private water systems purchasing water from the County shall adopt and enforce this entire ordinance as a condition of water service. Upon declaration of a water shortage emergency, the public or private water systems shall, within a reasonable amount of time, enforce the appropriate water use restrictions for the level of declared emergency.

8. Termination of Restrictions

A water emergency declaration will expire when the Director or his authorized representative determines that, based upon reasonable information, the condition that caused

the emergency has abated. The expiration or cancellation of a water shortage emergency declaration shall, within a reasonable amount of time and with reasonable means, be promptly and extensively publicized.

9. Effective Date

This Ordinance shall have an effective date as of the signature of the Chairman of the Columbus County Board of Commissioners.

Columbus County Board of Commissioners

/s/ **JAMES E PREVATTE**, Chairman

Date Signed: December 03, 2007

Attested by:

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

The above Ordinance was passed by the Columbus County Board of Commissioners on December 03, 2007, upon motion by Commissioner Amon E. McKenzie, seconded by Commissioner Ronald Gore and passed unanimously, and recorded in the minutes of said meeting, Book 30, Pages _____.

Exhibit "A"

N.C. Gen. Stat. § 153-A-123

CHAPTER 153A. COUNTIES

ARTICLE 6. DELEGATION AND EXERCISE OF THE GENERAL POLICE POWER

N.C. Gen. Stat. § 153A-123 (2007)

§ 153A-123. Enforcement of ordinances

(a) A county may provide for fines and penalties for violation of its ordinances and may secure injunctions and abatement orders to further insure compliance with its ordinances, as provided by this section.

(b) Unless the board of commissioners has provided otherwise, violation of a county ordinance is a misdemeanor or infraction as provided by G.S. 14-4. An ordinance may provide by express statement that the maximum fine, term of imprisonment, or infraction penalty to be imposed for a violation is some amount of money or number of days less than the maximum imposed by G.S. 14-4.

(c) An ordinance may provide that violation subjects the offender to a civil penalty to be recovered by the county in a civil action in the nature of debt if the offender does not pay the penalty within a prescribed period of time after he has been cited for violation of the ordinance.

(c1) An ordinance may provide for the recovery of a civil penalty by the county for violation of the fire prevention code of the State Building Code as authorized under G.S. 143-139.

(d) An ordinance may provide that it may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such a case, the General Court of Justice has jurisdiction to issue any order that may be appropriate, and it is not a defense to the county's

application for equitable relief that there is an adequate remedy at law.

(e) An ordinance that makes unlawful a condition existing upon or use made of real property may provide that it may be enforced by injunction and order of abatement, and the General Court of Justice has jurisdiction to issue such an order. When a violation of such an ordinance occurs, the county may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular.

In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the cause. An order of abatement may direct that buildings or other structures on the property be closed, demolished, or removed; that fixtures, furniture, or other movable property be removed from buildings on the property; that grass and weeds be cut; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with the ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt and the county may execute the order of abatement. If the county executes the order, it has a lien on the property, in the nature of a mechanic's and materialman's lien, for the costs of executing the order. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the clerk or superior court in an amount approved by the judge before whom the matter was heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within the time fixed by the judge. Cancellation of an order of abatement does not suspend or cancel an injunction issued in conjunction with the order.

(f) Subject to the express terms of the ordinance, a county ordinance may be enforced by any one or more of the remedies authorized by this section.

(g) A county ordinance may provide, when appropriate, that each day's continuing violation is a separate and distinct offense.

Exhibit "B"

N.C. Gen. Stat. § 14-4

GENERAL STATUTES OF NORTH CAROLINA

CHAPTER 14. CRIMINAL LAW

SUBCHAPTER 01. GENERAL PROVISIONS

ARTICLE 1. FELONIES AND MISDEMEANORS

N.C. Gen. Stat. § 14-4 (2007)

§ 14-4. Violation of local ordinances misdemeanor

(a) Except as provided in subsection (b), if any person shall violate an ordinance of a county, city, town, or metropolitan sewerage district created under Article 5 of Chapter 162A, he shall be

guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$ 500.00) No fine shall exceed fifty dollars (\$ 50.00) unless the ordinance expressly states that the maximum fine is greater than fifty dollars (\$ 50.00).

(b) If any person shall violate an ordinance of a county, city, or town regulating the operation or parking of vehicles, he shall be responsible for an infraction and shall be required to pay a penalty of not more than fifty dollars (\$ 50.00).

Water Shortage Response Plan

1. Purpose

The purpose of the Water Shortage Response Plan is to provide guidance to the Public Utilities staff, County Administration, and the customers of the Columbus County Public Utilities during periods of drought and other events that result in a shortage of potable water. The Water Shortage Response Plan is intended to provide a framework of steps and activities to be implemented as conditions require.

2. Definitions

- A. **“Water Shortage”** - The result of climatic conditions causing drought or the result of a physical breach in the County’s water supply system (i.e. mechanical failure, cut or broken water main, etc.) impeding the flow of potable or raw water supply.
- B. **“Water Production Capacity”** - The maximum volume of water that meets or exceeds state and federal standards that the water treatment process can produce during a twenty-four period.
- C. **“Stage 1 - Water Conservation Alert”** - An immediate water shortage declared by appropriate state and/or local officials when there are three (3) consecutive days when water demand exceeds eighty percent (80%) of the water production capacity.
- D. **“Stage 2 - Water Shortage Warning”** - An immediate water shortage declared by appropriate state and/or local officials or when there are two (2) consecutive days when water demand exceeds ninety percent (90%) of the water production capacity.
- E. **“Stage 3 - Water Shortage Danger”** - An immediate water shortage declared by appropriate state and/or local officials or when there is one (1) day when water demand exceeds one hundred percent (100%) of the water production capacity.

3. Responsibility for Declaration of a Water Shortage

Under the County’s current Water Emergency Ordinance, the Director or his authorized representative is authorized to declare that a water emergency exists. Depending on the severity of the emergency, voluntary (Stage 1) and mandatory (Stage 2 and Stage 3) staged water use restrictions as described in this ordinance shall be imposed upon all water. This declaration shall be made after consultation with the Public Utilities staff, County Administration, and County wholesale customers.

4. Shortage Response Action Levels

A. *Stage 1 - Water Shortage Emergency*

A Stage 1 Water Shortage Emergency may be declared in the event of an immediate water shortage, as so declared by state and/or local officials, or when there are three (3) consecutive days when water demand exceeds eighty percent (80%) of the total water plant production capacity. Water production capacity shall be defined as the maximum volume of water that meets or exceeds state and federal standards that the water treatment plant process can produce during a twenty-four (24) hour period. Water production capacity can vary depending on system component reliability and/or raw water conditions or availability.

B. *Stage 2 - Water Shortage Emergency*

A Stage 2 Water Shortage Emergency may be declared in the event of an immediate water shortage, as so declared by state and/or local officials, or when there are two (2) consecutive days when water demand exceeds ninety percent (90%) of the water production capacity. Water production capacity shall be defined as the maximum volume of water that meets or exceeds state and federal standards that the water treatment process can produce during a twenty-four (24) hour period. Water production capacity can vary depending on system component reliability and/or raw water conditions or availability.

C. *Stage 3 - Water Shortage Emergency*

A Stage 3 Water Shortage Emergency may be declared in the event of an immediate water shortage, as so declared by state and/or local officials, or when there is one (1) day when water demand exceeds one hundred percent (100%) of the water production capacity. Water production capacity shall be defined as the maximum volume of water that meets or exceeds state and federal standards that the water treatment process can produce during a twenty-four (24) hour period. Water production capacity can vary depending on system component reliability and/or raw water conditions.

5. Notification Procedures

Upon declaration of each stage of Water Shortage Emergency, the following methods may be used to inform the County staff, wholesale customers, County retail customers, and Industrial Customers.

A. *Public Notice*

The Public Utilities Department staff will draft a Public Notice announcing the Water Shortage Stage (Stage 1, Stage 2, or Stage 3) and the actions that water customers must take to comply with the Water Emergency Ordinance. The Public Notice will be provided by the Director or his authorized representative to all media outlets that serve Columbus County. The Public Notice will include phone numbers that customers may call with questions. Sample public notices for Stage 1, 2, and 3

are attached hereto and incorporated herein by reference as Exhibits A, B, and C, respectively.

B. Wholesale Customer Notification

A copy of the Public Notice will be e-mailed or faxed to the Utilities Director for all of the County's Wholesale Customers. The Public Utilities Director or his authorized representative shall call each wholesale customer to confirm the receipt of the Public Notice and to respond to any questions about the notice.

C. Training County Staff

A copy of the Public Notice will be provided to the staffs of the Utilities Customer Service Division, Columbus County Public Utilities, 612 North Madison Street, and Water Distribution Division. Depending on the stage severity, a list of possible questions with the recommended responses will be provided to the staff likely to receive calls from the public.

D. Direct Mailing to Customers

Depending on the stage severity, the County may elect to send a direct mailing to all County water customers. In the event of an immediate need to reduce water consumption, a notice will be sent to all water customers by reasonable means. An insert to the water bill would be the method of communication.

E. Newspaper Advertisement

Depending on the stage severity, the County may elect to purchase space in the local newspapers to inform the public. The advertisement would include the language included in the Public Notice.

6. Stage Conditions

The basis for the determination of a water emergency shall be the County's ability to provide potable water to its customers. For a Stage 1 Water Shortage Emergency, a declaration will be made when the potable water demand or the anticipated potable water demand will be eighty percent (80%) of the combined treatment capacity of the County's wells in each Water District for more than three (3) consecutive days. If the available raw water supply or the treatment capacity is diminished, the eighty percent (80%) level will be determined based upon the amount of raw water available or treatment capacity available.

For a Stage 2 Water Shortage Emergency, a declaration will be made when the potable water demand or the anticipated potable water demand will be ninety percent (90%) of the combined treatment capacity of the County's wells in each individual water district for more than two (2) consecutive days. If the available raw water supply or the treatment capacity is diminished, the ninety percent (90%) level will be determined based upon the amount of raw water available or treatment capacity available.

For a Stage 3 Water Shortage Emergency, a declaration will be made when the potable water demand or the anticipated potable water demand will be one hundred percent (100%) of the combined treatment capacity of the County's wells in each Water District for more than a twenty-four (24) hour period. If the available raw water supply or the treatment capacity is diminished, the one hundred percent (100%) level will be determined based upon the amount of raw water available or treatment capacity available.

The available raw water supply shall be determined by the capacity of the individual wells in each Water District. The flow is measured at each well.

7. Compliance with the Provisions of the Plan

The water plant staff shall monitor potable water levels pumped into the system at the plant and at the booster pump stations to determine the overall demand. By comparing the flow records prior to issuance of the declaration, the staff can determine the level of compliance in each of the pressure zones associated with the booster pump station. The water distribution staff will concentrate its efforts in those areas identified by the plants with the highest levels of apparent non-compliance. The distribution staff will attempt to educate those property owners who are not in compliance with the declaration. After one warning, property owners would be fined for non-compliance.

8. Plan Review and Adoption

The draft Water Shortage Response Plan will be provided to the County Public Utilities staff for review and comment prior to passage by the Board of County Commissioners. After those comments have been addressed, copies will be provided to the County Manager, and the Customer Service Manager. A draft copy of the plan will be submitted to North Carolina Department of Environment and Natural Resources (NC DENR) for review and approval. Once all comments have been received and addressed by the County Manager, Customer Service Manager, and NC DENR, a final draft would be sent to the Board of Commissioners for review. The final document would be sent to the Board of Commissioners for approval. Amendments to the plan would follow the same process with the Board of Commissioners approval required for all amendments.

9. Variances

All appeals for a variance must be submitted to the Director of Public Utilities in writing. The Director of Public Utilities will review the request and the following criteria will be used to determine if a variance can be granted:

- A. Impact on the overall water conservation goals
- B. Potential property damage
- C. Potential alternative sources of water supply
- D. Volume of water to be consumed
- E. Duration of usage

F. Number of similarly situated property owners

The Director of Public Utilities must provide a written determination on the request for a variance within three (3) working days of the receipt of the variance. If the request for a variance is denied, the property owner has the right to appeal the determination to the Board of Commissioners. The Board of Commissioners would hear the appeal at the next regularly scheduled meeting provided the appeal request is received at least seven (7) days in advance of the next meeting.

10. Evaluation

During the declaration of the Water Shortage Emergency, the County Public Utilities staff will monitor the water usage. The pre-declaration usage will be compared to the post-declaration usage to determine an overall percentage reduction in demand. If the desired reduction in demand has not occurred, changes in the plan or enforcement of the plan will be recommended.

After the water shortage event has concluded, a post-event evaluation will be conducted. Changes in the Water Shortage Response plan will be recommended to the Board of Commissioners based upon the problems and issues that were discovered during the event.

11. Effective Date

This Plan shall have an effective date as of the signature of the Chairman of the Columbus County Board of Commissioners.

Columbus County Board of Commissioners

/s/ Sammie Jacobs, Chairman

Date Signed:

Attested By:

/s/ June B. Hall, Clerk to the Board

The above Plan was passed by the Columbus County Board of Commissioners on November 19, 2007, upon motion by Commissioner McKenzie, seconded by Commissioner Norris, and passed unanimously, and recorded in the minutes of said meeting, Book 30, Page

_____.

**Exhibit A
Stage 1 Water Shortage Emergency
Public Notice**

Due to the current unprecedented demand for water, Columbus County Public Utilities has declared a Stage 1 Water Shortage Emergency for all Columbus County Public Utilities Customers. Since the Memorial Day holiday weekend, an average of .5 mgd has been consumed by Columbus County's retail customers, industrial customers, and the customers of municipalities served by the

County through wholesale water agreements. The peak usage during this period was .7 mgd.

Most of the increase in water consumption during the recent months is attributable to an increase in demand for irrigation due to the drought conditions being experienced throughout the Southeast. During a Stage 1 Water Shortage Emergency, customers are asked to voluntarily conserve water.

Suggested Conservation Methods Include:

- ***Reduce Unnecessary Water Usage:***
Use shower for bathing rather than bathtub and limit shower to no more than five (5) minutes. Do not leave faucets running while shaving, brushing teeth, rinsing or preparing food. Limit hours of water-cooled air conditioners. Do not fill swimming or wading pools. Limit vehicle washing to a minimum.
- ***Irrigate During Off Peak Hours:***
Peak demand for water is between 6:00 A.M. to 10:00 A.M. and 4:00 P.M. to 6:00 P.M. If irrigation is necessary for shrubbery or lawns, irrigate during off peak times.
- ***Check for Leaks and Repair Leaks Immediately:***
Leaks such as running toilets and dripping faucets should be repaired immediately to reduce water consumption.
- ***Do Not Wash Down Outside Areas Such As Driveways, Sidewalks, Patios, Etc.***
- ***Use Heavy Water-Using Appliances During Off Peak Hours:***
Appliances such as dishwashers and washing machines should be run during off peak times to reduce peak demand.
- ***Install Water Conservation Devices:***
Install Water Conservation Devices such as water saving showerheads and early closing flappers for toilets.

If the drought continues and the demand for water continues to increase, the County may implement additional mandatory water conservation measures. If you have any questions regarding this public notice, please contact the County's Public Utilities Department at 910-642-5257 or 910-642-2828.

This Stage 1 Water Shortage Emergency does not affect water use restrictions issued by other utilities in Columbus County.

Exhibit B
Stage 2 Water Shortage Emergency
Public Notice

Due to the continued drought, Columbus County Public Utilities has now declared a Stage 2 Water Shortage Emergency watch for all Columbus County Public Utilities Customers. Water levels in the Lower Cape Fear River have continued to decrease and the long-range forecast indicated less than normal rainfall amounts. The Governor has urged all state citizens to reduce

water consumption during this period of extreme drought.

The demand for water continues at higher than normal levels due to an increase in demand for irrigation due to the drought conditions. During a Stage 2 Water Shortage Emergency watch, customers are prohibited from certain water consuming activities. All residents, businesses, and industries are urged to conserve water during this period.

The following activities are prohibited except as where noted:

Irrigation of residential and commercial landscaping including lawns, grass, shrubbery, trees, flower and vegetable gardens

Exceptions

1. Irrigation using handheld hoses, containers, and drip irrigation systems will be allowed.
2. Plant nurseries will be permitted to irrigate their products only.
3. State and County Licensed Landscape Contractors may water newly installed landscaping by handheld hoses or drip irrigation systems under a written warranty.
4. Golf Courses are allowed to irrigate using water from storm water ponds, wastewater effluent and irrigation wells only.

Washing of any type of mobile equipment including cars, trucks, trailers, boats, airplanes, etc.

Exceptions

1. Businesses that provide car washing or detailing services.
2. Automobile dealers in preparation of sales or delivery.
3. Cleaning of emergency vehicles, garbage trucks and similar vehicles if needed to preserve public health or vehicle function.

Using water to wash outside surfaces such as streets, driveways, parking lots, patios, service station aprons, exterior of office buildings, homes, or apartments

Exceptions

1. Businesses that provide a service of washing the exterior of homes and other buildings.

Using water for any ornamental fountain, pool, pond, etc.

Serving drinking water in restaurants unless specifically requested by the customer

Using potable water for dust control

Filling swimming or wading pools, either newly constructed or previously drained

Exceptions

1. Make up water for pools in operation will be allowed

Using water-cooled air conditioners or other equipment, in which cooling water is not recycled, unless there are health or safety concerns

Using water from a public or private fire hydrant for any reason other than to suppress a fire or other public emergency or as authorized by the Director or his authorized representative

Intentionally wasting water

Commercial and Industrial Water Customers shall achieve mandatory reductions in water usage through whatever means are available. A minimum reduction of twenty percent (20%) shall be the target; however, a greater target reduction percentage may be required depending on the severity of the Water Shortage Emergency. Compliance with the reduction target shall be determined by the Director or his authorized representative. Variances to the target reduction may be granted by the Director or his authorized representative to designated Public Health facilities.

Property owners that use wells for potable water and/or irrigation are also urged to conserve water during this period of drought but are not subject to these restrictions.

Violators are subject to a civil citation of \$500.00 per offense per day.

Repeat offenders may have their water service disconnected.

To report violations of this Water Shortage Emergency watch, please contact the County's Public Utilities Department at 910-642-5257 or e-mail the County at carmelawilliams@columbusco.org. Please provide the time, date, and violation location.

Exhibit C Stage 3 Water Shortage Emergency Public Notice

Due to an immediate water shortage, Columbus County Public Utilities has now declared a Stage 3 Water Shortage Emergency warning for all Columbus County Public Utilities Customers. Water levels in the Lower Cape Fear River have continued to decrease and the long-range forecast indicated less than normal rainfall amounts. The Governor has urged all state citizens to reduce water consumption during this period of extreme drought.

The demand for water continues at higher than normal levels due to an increase in demand for irrigation due to the drought conditions. During a Stage 3 Water Shortage Emergency warning, the following activities shall be prohibited, in addition to the activities prohibited under the Stage 2 Water Shortage Emergency:

The following activities are prohibited except as where noted:

Irrigation of residential and commercial landscaping including lawns, grass, shrubbery, trees, flower and vegetable gardens

Exceptions

1. Irrigation using handheld hoses, containers, and drip irrigation systems will be allowed.
2. Plant nurseries will be permitted to irrigate their products only.
3. State and County Licensed Landscape Contractors may water newly installed landscaping by handheld hoses or drip irrigation systems under a written warranty.
4. Golf Courses are allowed to irrigate using water from storm water ponds, wastewater effluent and irrigation wells only.

Washing of any type of mobile equipment including cars, trucks, trailers, boats, airplanes, etc.

Exceptions

1. Businesses that provide car washing or detailing services.
2. Automobile dealers in preparation of sales or delivery.
3. Cleaning of emergency vehicles, garbage trucks and similar vehicles if needed to preserve public health or vehicle functions.

Watering any vegetable garden except by handheld hoses, containers, or drip irrigation systems.

Commercial and Industrial Water Customers shall achieve mandatory reductions in water usage through whatever means are available. A minimum reduction of fifty percent (50%) shall be the target; however, a greater target reduction percentage may be required depending on the severity of the Water Shortage Emergency. Compliance with the reduction target shall be determined by the Director or his authorized representative. Variances to the target reduction may be granted by the Director or his authorized representative to designated Public Health facilities.

In the event that the prohibition of the activities listed above is not sufficient to maintain an adequate supply of water for fire protection, all use of water for purposes other than maintenance of public health and safety shall be prohibited. Residential water use shall be limited to the amount necessary to sustain life through drinking, food preparation, and personal hygiene.

Property owners that use wells for potable water and/or irrigation are also urged to conserve water during this period of drought but are not subject to these restrictions.

Violators are subject to a civil citation of \$500.00 per offense per day.

Repeat offenders may have their water service disconnected.

To report violations of this Water Shortage Emergency watch, please contact the County's Public Utilities Department at 910-642-5257 or e-mail the County at

carmelawilliams@columbusco.org. Please provide the time, date, and violation location.

Commissioner McKenzie made a motion to approve the **Revised** Water Emergency Ordinance and the **Revised** Water Shortage Response Plan, seconded by Commissioner Gore. The motion unanimously passed.

ADJOURNMENT:

At 7:50 P.M., Commissioner McKenzie made a motion to adjourn, seconded by Commissioner Norris. The motion unanimously carried.

APPROVED:

JUNE B. HALL, Clerk to Board

SAMMIE JACOBS, Chairman

**COLUMBUS COUNTY WATER and SEWER DISTRICT V
BOARD MEETING**

Monday, November 19, 2007

7:52 P.M.

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

COMMISSIONERS PRESENT:

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

APPOINTEES PRESENT:

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

MEETING CALLED TO ORDER:

At 7:52 P.M., Chairman Jacobs called the Columbus County Water and Sewer District V Board Meeting to order.

AGENDA ADD-ON:

Columbus County Water and Sewer District V - Approval and Adoption of the following Ten (10) Documents for Supplemental Grant from the Rural Center:

- 1. Capital Reserve Fund Resolution;**
- 2. Certification by Chief Elected Official;**
- 3. Authorizing Resolution by Governing Body of the Applicant;**
- 4. Continuing Inflow & Infiltration Maintenance Program;**
- 5. Resolution of MBE Percentage Goal;**
- 6. Letter to Julie Haigler-Cubeta (NC State Plumbing Code);**
- 7. Resolution Prohibiting Conflicts of Interest;**
- 8. Resolution to Establish a Clean Water Conservation Program;**
- 9. Supplemental Program Memorandum of Understanding Between North Carolina Economic Rural Center and Columbus County; and**
- 10. Water Conservation Incentive Rate Structure.**

Leroy Sellers, Public Utilities Director, requested Board approval and adoption of the following ten (10) documents prior to completing the application for a Supplemental Grant from the Rural Center for Columbus County Water and Sewer District V.

**COLUMBUS COUNTY
CAPITAL RESERVE FUND RESOLUTION**

WHEREAS, the Columbus County Board of Commissioners are the governing authority establishing water and sewer rates on a fiscal year basis in the form of an adopted budget; and,

WHEREAS, Columbus County has a number of areas located within the County's jurisdiction in which water and sewer improvements and expansions are needed; and,

WHEREAS, the Columbus County Board of Commissioners have made every effort to support any new and or existing construction projects, which involve the replacement or expansion of new and existing water and sewer lines within the County's jurisdiction; and,

WHEREAS, the Columbus County Board of Commissioners have set aside a water and sewer budget on a yearly basis, maintaining a minimum of \$100,000.00 per year in Capital Reserve Funds to be used to repair, replace, and maintain the water and sewer system; and,

NOW, THEREFORE, LET IT BE RESOLVED, that the Columbus County Board of Commissioners hereby establishes this as a "Capital Reserve Fund," which will continue to be used towards the expansion and replacement of the water and sewer system.

Adopted, this the 19th day of November, 2007.

Approved By:

/s/ Sammie Jacobs, Chairman

Date Signed: 11-19-2007

Attested By:

/s/June B. Hall, Clerk to the Board

Date Signed: 11-19-2007

CERTIFICATION BY CHIEF ELECTED OFFICIAL

The attached statements and exhibits are hereby made part of this application and the undersigned representative of the applicant certifies that the information in this application and the attached statements and exhibits is true, correct, and complete to the best of his/her knowledge and belief. He/She further certifies that:

- 1) as Authorized Representative, he/she has been authorized to file this application by formal action of the governing body;
- 2) that the governing body agrees that if a grant from the Clean Water Partners' Program is awarded, the applicant will provide proper and timely submittal of all documentation requested by the Grantor Agency (Rural Center);
- 3) that the governing body agrees to provide for proper maintenance and operation of the approved project after its completion;
- 4) that the applicant has substantially complied with or will comply with all federal,

state and local laws, rules and regulations and ordinances as applicable to this project; and,

- 5) that the applicant will adopt and place into effect on or before the completion of the project a schedule of fees and charges which will provide for the adequate and proper operation, maintenance and administration of the project.

Approved By:

/s/ Sammie Jacobs, Chairman

Date Signed: 11-19-2007

Attested By:

/s/ June B. Hall, Clerk to the Board

Date Signed: 11-19-2007

**Authorizing Resolution by Governing Body of the Applicant
Clean Water Partner's Infrastructure Program**

Household Water and Sewer User Rate

WHEREAS, Columbus County has need for and intends to construct new sewer lines to serve the Guideway Community to eliminate failed and failing septic tank systems, which is located in Water and Sewer District V in Columbus County, North Carolina.

WHEREAS, these newly installed sewer lines will be owned, operated, and maintained by Columbus County; and,

WHEREAS, all newly installed sewer serving the Guideway Community will be piped for treatment to the Grand Strand Wastewater Treatment Plant Facility; and,

WHEREAS, Columbus County currently has an Inter-local Sewer Agreement, which is attached for review, with the Grand Strand Water and Sewer Authority; and,

WHEREAS, Columbus County hereby agrees to set the water and sewer user fee at or to exceed 1.5% of the Median Household Income reflected for Columbus County, currently established at \$37.43, as required by the guidelines established for this Supplemental Grant Funding made available through the North Carolina Rural Center; and,

WHEREAS, the current average water and sewer rate established for Columbus County for the fiscal year of July 1, 2007 is \$30.00; and,

NOW THEREFORE BE IT RESOLVED, BY THE County Board of Commissioners of Columbus County: That the water and sewer household user rate exceeds \$37.43, which has been established as 1.5% of the Median Household Income for Columbus County.

Adopted this the 19th day of November, 2007 at the Dempsey B. Herring Courthouse Annex, Whiteville, North Carolina.

Approved By:

/s/ Sammie Jacobs, Chairman
Date Signed: 11-19-2007

Attested By:

/s/ June B. Hall, Clerk to the Board
Date Signed: 11-19-2007

COLUMBUS COUNTY

CONTINUING INFLOW & INFILTRATION MAINTENANCE PROGRAM

Columbus County has a continuing Inflow & Infiltration Maintenance Program, in which water and sewer staff maintain and repair water and / or sewer lines on an on-going basis.

Adopted, this the 19th day of November,2007.

Approved By:

/s/ Sammie Jacobs, Chairman
Date Signed: 11-19-2007

Attested By:

/s/ June B. Hall, Clerk to the Board
Date Signed: 11-19-2007

COLUMBUS COUNTY

RESOLUTION OF MBE PERCENTAGE GOAL

BE IT RESOLVED, that in accordance with North Carolina General Statutes 143-128, the Columbus County Board of Commissioners confirms its practice of earnestly striving to recruit minority businesses for participation in contracts for the erection, construction, alteration, or repair of any buildings or improvements for Columbus County. Particularly, the Board of Commissioners of Columbus County resolves that it shall have a verifiable five percent (5%) goal for participation by minority businesses (as defined in N.C.G.S. 143-128) in total value of work for each building project. The verifiable percentage goal shall apply in separate prime contract systems, alternative contracting systems authorized by the State Building Commission under N.C.G.S. 143-135.26(9), and shall apply in single-prime contract systems and shall be binding on any prime contractor connected with such single-prime contract systems.

The following are the guidelines adopted as those actions will be taken to ensure that a good faith effort in the recruitment and selection of minority businesses for participation in contracts awarded under N.C.G.S. 143-128.

- 1) Advertisement of request for bids shall be placed in the local newspaper (i.e.) newspaper with the largest circulation in Columbus County, North Carolina.
- 2) Advertisement of request for bids shall be placed in at least one newspaper which has a circulation primarily composed of minority-owned contractor businesses.

- 3) Submission of plans and specifications in at least one major "Plan Room," such as the F.W. Dodge Plan Room and/or Associated General Contractors, where plans are available for public viewing without discrimination, and where information regarding obtaining specifications and plans for submission of bids is supplied.

Re-affirmed this the 19th day of November, 2007.

Approved By:

/s/ Sammie Jacobs, Chairman

Date Signed: 11-19-2007

Attested By:

/s/June B. Hall, Clerk to the Board

Date Signed: 11-19-2007

November 19, 2007

Ms. Julie Haigler - Cubeta
 Programs Director
 North Carolina Rural Center
 4021 Carya Drive
 Raleigh, North Carolina 27610

Dear Ms. Cubeta,

This is to certify that Columbus County enforces the North Carolina State Plumbing Code in all construction and management of water and/or sewer projects within the county.

APPROVED BY:

/s/ **SAMMIE JACOBS, Chairman**

Date Signed: 11-19-2007

ATTESTED BY:

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

Date Signed: 11-19-2007

RESOLUTION

PROHIBITING CONFLICTS OF INTEREST

WHEREAS, the Columbus County Board of Commissioners have received awards of Supplemental Grant Funds from the North Carolina Rural Economic Development Center; and,

WHEREAS, Supplemental Grant Funds are subject to the rules and guidelines set forth by the General Statutes of North Carolina; and,

WHEREAS, Columbus County is a county corporation organized and chartered under the laws set forth by the General Statutes of North Carolina; and,

WHEREAS, as a county corporation, all County employees and officials are aware of, and in full compliance with North Carolina General Statutes 14-234 regarding conflicts of interest; and,

WHEREAS, no employee, officer, or agent of Columbus County shall participate in the selection or award of a contract supported by state funds if a conflict of interest, real, or apparent, would be involved. Such conflicts would arise when the employee, officer, or agency has any member of his immediate family, his or her partner, or is a member of an organization which employs or is about to employ, or any of the above that may have a financial or other interest in a firm selected for award of a contract. The grantee’s officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub-agreements.

NOW, THEREFORE, LET IT BE RESOLVED, that the Columbus County Board of Commissioners adopt this resolution that there will be no conflicts of interest, real or apparent associated with these funds.

Re-affirmed, this the 19th day of November, 2007.

Approved By:

/s/ Sammie Jacobs, Chairman

Date Signed: 1-19-2007

Attested By:

/s/ June B. Hall, Clerk to the Board

Date Signed: 11-19-2007

**SUPPLEMENTAL PROGRAM
MEMORANDUM OF UNDERSTANDING
BETWEEN
NORTH CAROLINA ECONOMIC RURAL CENTER
AND**

Legal Name of Applicant / Unit: Columbus County **County:** Columbus

Mailing Address: 111 Washington Street **Street Address:** 111 Washington Street

City: Whiteville **State:** North Carolina

Zip: 28472

Project Title: Columbus County Grand Strand Sewer Project

The purpose of this Memorandum of Understanding is to outline conditions and regulations for a general working relationship between the North Carolina Rural Economic Development Center (Rural Center) and the applicant organization regarding the Rural Center Supplemental Grant Program. The following conditions and regulations apply to all Rural Center Supplemental Projects:

Disbursement Policy

The Rural Center will disburse up to ninety (90) percent of Supplemental Grant Funds upon submission of satisfactory evidence other funds have been drawn down by ninety (90) percent and that one hundred (100) percent of local funds, if committed, have been expended. Documentation in support of expenses must accompany the Financial Request Form. The final ten (10) percent will be disbursed upon completion of the project and submittal of the final approved product.

Project Schedule

A time line has been provided to the Rural Center as part of the application package. This represents the adopted schedule for this project. The grantee understands that the Rural Center will establish the date for termination of its contract using this information and that time is of the essence. Updates or changes to the project schedule must be provided to the Rural Center as they are adopted by the grantee for use in administering this project. Rural Center reserves the right to reject or ask for further clarification regarding the timeline and its implementation.

Contract Time Requirements

The Rural Center may revoke or revise its approval of funding for the project if work intended is not under contract within six months after the Rural Center approval date of the project and if not completed within one year of Rural Center approval. The Rural Center approval date will be incorporated in the contract as the Commencement Date.

Changes in Project Scope

It is clearly understood that a change in the project scope may not be implemented without prior written approval from the Rural Center and submission to the Rural Center of the evidence of other funders approval of the change(s). A change of scope will include any change to the project design, capacity of the system, the number and/or type of customers served, or equipment items purchased.

Changes in Project Funding

It is further understood that if the grantee receives additional funding for the project after the Rural Center's approval, these funds cannot be used to reduce the amount of local funds pledged or to displace other grant funds committed to this project; any such action could result in the reduction of the Rural Center Supplemental Grant by the amount of funds added to the project. If new funds are made available to this project, the Rural Center must be notified immediately. Likewise, it is understood that the local share, as pledged to the Rural Center in the original application, will not be diminished in the event of a cost under run in the completed project.

Cooperation with Primary Funder and Rural Center

It is understood that the grantee will cooperate with its other funders as identified in the application and will provide information and reports as prescribed by the funder and will adhere to all applicable regulatory and/or statutory requirements of the Primary Funder and the State of North Carolina particularly as they relate to the procurement of goods and services and in the maintenance of proper accounting records.

Reporting Procedure

Quarterly progress reports will be submitted to the Rural Center as set forth in the terms of the contract document to be executed. The first report will be due ninety (90) days from the date of award. Subsequent quarterly reports will be required until project completion and close of the contract.

Final Report

A final report is required and will be due upon close of the project. This report must be submitted and approved by the Rural Center prior to disbursement of final funds.

Approved By:

/s/ Sammie Jacobs, Chairman

Date Signed: 11-19-2007

Attested By:

/s/ June B. Hall, Clerk to the Board

Date Signed: 11-19-2007

RESOLUTION TO ESTABLISH A CLEAN WATER CONSERVATION PROGRAM

WHEREAS, Columbus County is the acting authority in establishing water and sewer rates within its jurisdiction; and,

WHEREAS, Columbus County is concerned with the promotion of water conservation within its jurisdiction and,

WHEREAS, the Columbus County Board of Commissioners have allowed the County Utilities Department to distribute and display posters promoting water conservation, and to include water conservation messages on monthly water bills;

NOW, THEREFORE, LET IT RESOLVED that the Board of Commissioners of Columbus County formally submit this as a resolution towards establishing a clean water conservation program for County water customers continuing to authorize and allow the Utilities Department to distribute and display posters and pamphlets and provide water conservation messages on customer's monthly water billing notices.

Adopted, this the 19th, day of November, 2007.

Approved By:

/s/ Sammie Jacobs, Chairman

Date Signed: 11-19-2007

Attested By:

/s/ June B. Hall, Clerk to the Board

Date Signed: 11-19-2007

COLUMBUS COUNTY

WATER CONSERVATION INCENTIVE RATE STRUCTURE

WHEREAS, the Columbus County Board of Commissioners are the governing body regarding water conservation within the county's jurisdiction; and,

WHEREAS, the Columbus County Board of Commissioners establishes a water conservation incentive rate structure program, which creates incentives for County residents towards the replacement or installation of new low-flow faucets, shower heads, and toilets; and,

WHEREAS, the Columbus County Board of Commissioners will offer a one-time five dollar (\$ 5.00) credit or rebate to residents (who install new low-flow faucets, shower heads, and toilets) towards their monthly water bill; and,

WHEREAS, any resident within Columbus County who installs new low-flow toilets, shower heads, and toilets in their home should produce such receipts for a \$ 5.00 credit on their monthly water bill or a rebate of \$ 5.00; and,

NOW, THEREFORE, LET IT BE RESOLVED, that the Columbus County Board of Commissioners hereby offer this resolution as an incentive towards water conservation within the County's jurisdiction to be effective this date.

Adopted, this the 19th day of November, 2007.

Approved By:

/s/ Sammie Jacobs, Chairman

Date Signed: 11-19-2007

Attested By:

/s/ June B. Hall, Clerk to the Board

Date Signed: 11-19-2007

Commissioner Norris made motion to approve the above listed ten (10) documents needed prior to completing the application for a Supplemental Grant form the Rural Center, seconded by Commissioner Gore. The motion unanimously passed.

ADJOURNMENT:

At 7:53 P.M., Commissioner Memory made a motion to adjourn, seconded by Vice Chairman Prevatte. The motion unanimously carried.

APPROVED:

JUNE B. HALL, Clerk to Board

SAMMIE JACOBS, Chairman