

**REGULAR SESSION OF THE PAMLICO COUNTY BOARD OF
COMMISSIONERS
MONDAY APRIL 20, 2009**

The Pamlico County Board of Commissioners met in regular on Monday April 20, 2009 at 7:00 p.m. in the Patsy H. Sadler Room of the Pamlico County Courthouse. All Commissioners were present. Also present were County Attorney Jim Hicks, County Manager Tim Buck and Clerk to the Board Kathy P. Cayton.

Chairman Paul Delamar called the meeting to order.

Chairman Paul Delamar asked if there were any addition and/or deletions to the regular and closed session minutes of the April 6, 2009 minutes. There being none, on a motion made by Commissioner Ann Holton and Commissioner Jimmy Spain, the following resolution was unanimously approved.

BE IT RESOLVED, the regular and closed session minutes of the April 6, 2009 are hereby approved and the signature is authorized thereon.

Chairman Paul Delamar requested to be excused from the public hearing and vote on the renaming of Evergreen Lane due to conflict of interest.

On a motion made by Commissioner Christine Mele and seconded by Commissioner Kenny Heath, the following resolution was unanimously approved.

BE IT RESOLVED, that Chairman Paul Delamar is hereby excused from discussion and voting on the renaming of Evergreen Lane due to a conflict of interest.

Vice-Chairman Ann Holton declared the public hearing open and asked if there were any members of the public to speak. There were none.

On a motion made by Commissioner Kenny Heath and seconded by Commissioner Jimmy Spain, the board unanimously agreed to close the public hearing.

On a motion made by Commissioner Christine Mele and seconded by Commissioner Kenny Heath, the following resolution was unanimously approved.

BE IT RESOLVED, the request to rename Evergreen Lane to Camp Creek Drive is hereby approved.

Chairman Paul Delamar then recognized Mr. Gary Keel, who came before the Board requesting that he be authorized along with the County Manager and Economic Developer to develop a "best practices model" for Economic

Development Committee for Pamlico County. Also, to authorize the County Manager to instruct Jayne Robb, Economic Developer to pursue a Local Flexgrant up to \$20,000 depending upon a budget to be developed upon approval of this proposal, to offset the administrative costs of developing the model. Economic Developer Jayne Robb, spoke and said that in an economic downturn she hopes the Board would give this request some consideration.

On a motion made by Commissioner Ann Holton and seconded by Commissioner Kenny Heath, the following resolution was unanimously approved.

BE IT RESOLVED, that Mr. Gray Keel is authorized along with County Manager Tim Buck and Economic Developer Jayne Robb to develop a “best practices model” for Economic Development Committee for Pamlico County.

BE IT FURTHER RESOLVED, the County Manager is directed to instruct Ms. Jayne Robb, Economic Developer to pursue a Local Flexgrant up to \$20,000 depending upon a budget to be used to offset administrative costs of developing the model.

Chairman Paul Delamar asked if there were any additions and or deletions to the agenda.

On a motion made by Commissioner Christine Mele and seconded by Commissioner Jimmy Spain, the Board unanimously agreed to delete the update on the Alliance Ball field and the closed session on Bay Harbor from the agenda.

Chairman Paul Delamar asked if there were any members of the public to speak during Public Comment Period. There was one member of the public to speak.

- Mr. Stephen Gwaltney ; discuss the tax base, economic development and the Library.

The Board then turned their attention to the Consent Agenda.

On a motion made by Commissioner Christine Mele and seconded by Commissioner Ann Holton, the following resolutions were unanimously approved.

BE IT RESOLVED, the following tax releases for citizens are hereby approved:

Name	Year	Tax/Ticket	Reason	Amount
McDaniels, Michael Sr.	2005	17983/15715	Boat double-listed	\$ 106.29
Doer, John	2001	18494/30101	Boat in for repairs only	\$ 372.94
Chance, Walter	05-08	977500/15361	MH sold in 2004	\$ 207.60

BE IT RESOLVED, the following resolution was hereby approved.

RESOLUTION OPPOSING SECONDARY ROAD TRANSFER TO COUNTIES

WHEREAS, legislation has been introduced (Senate Bill 758) that would transfer responsibility for and maintenance of secondary roads from the State to Counties beginning in 2011; and

WHEREAS, according to Statistics compiled by the North Carolina Association of County Commissioners in 2008, there are 222 miles of secondary roads in Pamlico County with a projected annual maintenance cost of \$1,222,636; and

WHEREAS, without the continuation of existing State revenue streams to pay for road upkeep and construction, Pamlico County would be forced to raise the property tax by at least 9 cents in order to keep up the current level of funding needed to maintain our existing secondary roads; and

WHEREAS, the Pamlico County Board of Commissioners opposes any efforts by the General Assembly to appropriate local revenues, whether property tax, sales tax, or any other local revenue for State transportation programs or any other State programs; and

NOW THEREFORE, BE IT RESOLVED, that the Pamlico County Commissioners, representing approximately 13,000 constituents, stand united in vigorous opposition to Senate Bill 758 which would transfer fiduciary responsibility for constructing, improving and maintaining secondary roads from the N.C. Department of Transportation to Counties and would have catastrophic fiscal consequences on the citizens of Pamlico County; and

NOW THEREFORE, BE IT FURTHER RESOLVED a copy of this resolution be transmitted to the members of the N.C. General Assembly representing Pamlico County and Pamlico County Representatives.

**s/s Paul J. Delamar
Chairman**

**s/s Kathy P. Cayton
Clerk to the Board**

The Board then turned their attention to the Correspondence Agenda.

On a motion made by Commissioner Roy Brinson and seconded by Commissioner Jimmy Spain, the following resolution was unanimously approved.

BE IT RESOLVED, that a deadline of May 1, 2009 is hereby given to the Developer of Preserves Subdivision Mr. Mike Olexa for final certification of work. The irrevocable letter of credit expires on May 8, 2009.

On a motion made by Commissioner Jimmy Spain and seconded by Commissioner Ann Holton, the following resolution was passed by majority vote. Commissioner Kenny Heath cast a dissenting vote.

BE IT RESOLVED, the request from Ms. Linda Potter, Senior Services Director to repair the Senior Center Van for \$2,826 is hereby approved. Funds are available in the Senior Center Budget.

Commissioner Carl Ollison presented bid qualifications form for the Boards perusal. Board members said they would like for it to be brought back to the Board at a later date. They would like more time to review it.

Board Members reviewed the amendments to the Rules and Regulation of the Pamlico County Water Department. Board Members made the following changes:

- Page 14 Section F change to "last day of the month"
- Page 15 Item 3 change to "shall"

On a motion made by Commissioner Jimmy Spain and seconded by Commissioner Kenny Heath, the following resolution was passed by majority vote. Commissioner Christine Mele cast a dissenting vote.

BE IT RESOLVED, the following changes to the amendments to the Pamlico County rules and regulation are hereby approved.

- **Page 14 Section F change to "last day of the month"**
- **Page 15 Item 3 change to "shall"**

On a motion made by Commissioner Roy Brinson and seconded by Commissioner Jimmy Spain, the following resolution was unanimously approved.

BE IT RESOLVED, the changes to the Pamlico County rules and regulations are hereby approved as written.

RULES & REGULATIONS FOR PAMLICO COUNTY WATER DEPARTMENT

I. ARTICLE I - SERVICE CLASSES

A. There will be two classes of water service:

1. Residential – to include, but not limited to, houses, mobile/modular homes, apartments, churches, fire departments, and nonprofit organizations.
2. Other – to include all other classes of water service.

B. Water service provided for a specific lot will be used on that lot only. **Multiple users from a single ¾” meter are prohibited whether it involves the same or different classes of service. (WATER SERVICE MAY BE TERMINATED UPON DISCOVERY.)**

II. ARTICLE II – RATE SCHEDULE/TAP-ON FEES

A. Rate Schedule

1. Residential & Other Services with less than 2” meter will have a fixed facility fee of \$7.50, plus usage fee of \$2.80 per 1,000 gallons of water.

- Example: 1,500 gallons used for one month
 $1,500 \times (\$2.80/1,000) = \4.20 plus \$7.50 fixed facility fee
\$11.70

2. Residential & Other Services with 2” meter will have a fixed facility fee of \$22.40 plus usage fee of \$2.80 per 1,000 gallons of water.

- Example: 15,000 gallons used for one month
 $15,000 \times (\$2.80/1,000) = \42.00 plus \$22.40 fixed facility fee = \$64.40

3. Residential & Other Services greater than 2” and up to 8” meter will have a fixed facility fee of \$22.40 plus usage fee of \$2.80 per 1,000 gallons of water.

4. All prison services with 8” or greater will have a fixed facility fee of \$22.40 plus usage fee of \$3.89 per 1,000 gallons of water.

5. Trailer courts/parks and other multi-dwelling users served through on meter will be billed based on the size of the meter at the published rate schedule.

- a) Trailer courts/parks and multi-dwelling water service will require the following meter services:

1 trailer/ dwelling – ¾” meter service
2-5 trailers/dwellings – 1” meter service

6-20 trailers/dwellings – 2” meter service

All services for more than 20 dwellings will be designed on a per customer basis.

NOTE: Trailer courts/parks will be defined as a tract of land on which spaces are rented or sold for the purpose of maintaining a trailer, mobile home, or modular home for overnight accommodations of one or more people.

b) Cost of Service installations will be paid by owner of the property before installation of the water meter. A request for new tap should be made at least four (4) weeks in advance of desired service date.

B. Tap-on Fees

1. Tap-on Fees will be charged for providing water service to any location – Residential, Commercial, or Industrial. All tap-on fees will be paid **prior** to installation and will be as follows:

- | | |
|---------------------|---|
| a) ¾” water service | \$550.00 per meter |
| b) 1” water service | \$650.00 per meter |
| c) 2” water service | \$1,200.00 per meter |
| d) 4” water service | Actual cost of installation
plus 20% |

C. Assessment Fees

1. In addition to the above fees required by the Water Department, any and all assessment fees imposed must be paid prior to service installation.

III. ARTICLE III – APPLICATION FOR SERVICE

A. Application for Water Service

1. Service will be supplied only to those consumers who have completed the written application form and paid the required fees and/or deposits. Service will be cut-on prior to 5:00 pm, if possible, on the date of application. If not, service may be provided on the next **working** day, unless the consumer pays the \$25.00 after hour's fee. After hours fees apply to applications received after 4:00 pm. No new or re-activated service will be supplied on weekends.

2. The consumer should appear in person to sign the application form or may send a notarized application form directly to the Water Department Business Office. At the same time, all deposits, account activation and/or transfer fees will be required. The consumer is asked to provide a Social Security Number, as well as adequate proof of identification (valid driver's license or other official picture ID), plus proof of right to establish water service on the property as requested. Such proof can be provided by deed (for owners) or lease (for renters or tenants).

3. For violation of any of the provisions of these Rules & Regulations, the Water Department may discontinue service. The Water Department must mail written notice to the address on record for the consumer of the violation and provide fifteen (15) days for correction of said violation. If water service is discontinued, all delinquent service bills and any applicable fees must be paid in full to service re-installation.

IV. ARTICLE IV – DEPOSITS

A. There will be no water deposit required for property owners, if the property owner is the responsible party for the water account. (Ownership will be determined by presentation of deed at the time of application.) A renter or tenant is required to make a minimum deposit of \$50 for each water account.

B. Where a deposit is required, a separate deposit will be made for each individual account.

C. Deposits will not draw interest, and will be credited to the account upon presentation to the Water Department of a registered deed showing the renter or tenant is now the legal owner of said property.

D. Once service is discontinued, any deposit will be applied toward the final billing for each account. Any amount remaining will be refunded to the consumer at the address on record at the time of final billing. Refunds will be issued from the Pamlico County Finance Office, approximately two (2) weeks after the end of the month in which the water account is closed and service is discontinued.

E. If a property owner elects to have the tenant be responsible for water service only during the rental period, and then elects to be responsible during any periods of vacancy, the property owner must agree, in writing, with the Water Department to such an arrangement. The property owner's account will immediately be reactivated and the \$25 activation fee will be charged upon notification from the tenant that water service is to be terminated. (Property owners should contact the Water Department after a renter has moved out to be certain renter closed account.) This will only apply to rental property.

V. ARTICLE V – FLOATING METER

A. Any property owner having ten (10) or more rental units may be eligible for a “floating meter”.

B. Property owners desiring to use a “floating meter” will be subject to the following rules:

1. A “floating meter” will be deemed a water meter provided to a rental property owner and to be installed on a temporary basis by the owner.
2. The “floating meter” will be utilized for cleaning purposes only. The owner will pay a monthly fixed facility fee, plus the scheduled water use rate. The owner will provide, to the Water Department, a reading from the meter each month.
3. The “floating meter” will be brought into the Water Department once every six (6) months for verification of meter readings.
4. The rental owner will make a minimum deposit of \$50 for each “floating meter”. Deposits will not draw interest.
5. The rental owner will provide a list of rental units and addresses, with the “floating meter” being utilized only at those locations.
6. The rental property owner will guarantee proper protection for the County’s meter and must surrender “floating meter” if requested.
7. Upon return of the “floating meter” and service discontinued, any deposit will be applied toward the final billing. Any amount remaining will be refunded at the address on record, or to any duly authorized agent. Refunds will be issued from the Pamlico County Finance Office, approximately two (2) weeks after the end of the month in which the water account is closed and service is discontinued.

VI. ARTICLE VI – MISCELLANEOUS

A. The initial and/or minimum charge for each water account is established by the current rate schedule, and will be charged for each water account, even when there is no recorded usage of water.

B. If a consumer requires water service during certain months only, the Water Department will provide service for the cut-off at no charge. However, the consumer must request this service and will be responsible for payment of any required fees before service is resumed.

C. For rental property, the property owner will be responsible for the tap-on fee as outlined by the current rate schedule. Property Owners may elect to remain the responsible party for water accounts where renters or tenants reside. However, the Water Department will bill the property owner and pursue the property owner for any delinquent accounts. Should property owner have one or more active accounts with the Water Department, service may be terminated to all meters should an account become delinquent.

VII. ARTICLE VII – COUNTY RESPONSIBILITY AND LIABILITY

A. The County will run a service line from the distribution line to the consumer's property line. The meter will be located at the public right of way on which a water main exists.

B. The County may install a meter at the property line or, at the County's option, on the consumer's property, or on a location mutually agreed upon.

C. When two (2) or more meters are installed on the same premises for different consumers, the meters will be grouped closely, but each will be designated as to which consumer is serviced by the meter. Property easements will be required to be notarized and recorded with the Register of Deeds for each meter placed on the property owned by another party.

D. Under no conditions will interconnections with County System be permitted.

E. The County will not be liable for damage of any kind whatsoever resulting from water or the use of water on the consumer's premises, unless such damage results directly from negligence on the part of the County. The County will not be responsible for any damage done by or resulting from any defect in piping, fixtures, or appliance on the consumer's premises. The County will not be responsible for negligence of third party persons or forces beyond the control to the County resulting in an interruption of service.

VIII. ARTICLE VIII – ADJUSTMENTS

A. Adjustments to water bills for leaks are authorized to be made a maximum of two (2) times per calendar year.

B. An adjustment of water bills for a leak are authorized only when the average bill for the preceding twelve (12) month period is fifty percent (50%) lower than the bill to be adjusted. The adjustment will be figured by averaging the preceding twelve (12) months of usage, multiplying by the current usage rate, adding the current fixed facility fee, and then subtracting the amount billed on the current billing.

EXAMPLE:

7500	Average Usage
<u> </u>	
<u>(\$2.80/1,000)</u>	Usage rate per 1,000 gallons
\$21.00	
<u>\$7.50</u>	Fixed Facility Fee
\$28.50	Amount consumer owes after adjustment
<u>-\$111.00</u>	Amount of current billing
\$82.50	Amount to be adjusted off water bill

C. For leak adjustments where the consumer has less than twelve (12) months usage, the adjustment will be figured using the current National Rural Water Association estimate of the number of gallons of water used per day per person, multiplying by the number of people in the household, multiplying by the usage rate, adding the fixed facility fee, and then subtracting the current billing amount

IX. ARTICLE IX – CONSUMER’S RESPONSIBILITY

A. Piping of the consumer’s premises must be conveniently located with respect to the County’s lines or mains.

B. If the consumer’s piping is so arranged that the County must provide additional meters, each metering will be considered a separate and individual account.

C. A suitable place will be provided by the consumer for placing his meter to ensure unobstructed access for the meter reader or service personnel at all times.

D. The consumer's piping and apparatus will be installed and maintained by him at his expense in a safe and efficient manner in accordance with the County's rules and full compliance with the sanitary regulations of the State Board of Health.

E. The consumer will furnish and maintain a private cut-off on his side of the meter, and the County will provide a cut-off valve on its side thereof.

F. In the event that any loss or damage to the property of the County or any accident or injury to persons or property is caused by or results from negligence or wrongful act of the consumer, his agents, or employees, the cost of the necessary repairs or replacements will be paid by the consumer to the County; and any liability otherwise resulting will be assumed by the consumer. The cost will include parts and materials along with a service fee of \$25.

G. The consumer shall guarantee proper protection for the property of the County located on the consumer's premises and permit access by authorized representatives of the County.

H. The consumer will provide an American National Standards Institute of (ANSI) 1024, American Society of Sanitary Engineering (ASSE) 1024, or an American Water Works Association (AWWA) C506 back-flow preventer on all new construction or when major plumbing modifications are required.

X. ARTICLE X – ACCESS TO PREMISES

A. Duly authorized agents of the County will have access at all reasonable hours to the consumer premises for the purpose of installing or removing county property, inspecting piping, reading or testing meters, or for any other purpose in connection with County service and facilities.

B. Each consumer will grant or convey, or cause to be granted or conveyed, to the County, a perpetual easement and right-of-way across any property owned or controlled by the consumer whenever the same is necessary to accommodate the necessary county water facilities and lines.

XI. ARTICLE XI – CHANGE OF OCCUPANCY

A. A request for discontinuance or transfer of service should be made at least three (3) days before the desired effective date.

B. The outgoing party will be responsible for all water consumed up to the time of departure or the time specified for departure, whichever period is longest. The new tenant or owner will be charged an account activation fee, plus any required deposits and/or fees, prior to extension of service.

XII. ARTICLE XII – EXTENSIONS TO MAINS AND SERVICES

A. The County may extend its water lines to points within the service area if the consumer makes application for service and advances to the County the entire cost of installation.

B. A written contract will be entered into between the applicant and the County. Such contracts will be approved by the Board of Commissioners.

C. All water line extensions will be constructed in accordance with the manual “Requirements For The Design and Construction of Water System Extensions for Pamlico County,” as approved by the Board of Commissioners on March 13, 1989, as amended.

D. Water line extensions to **undeveloped subdivisions** will be subject to the following rules:

1. The subdivision developer will submit plans of the proposed water system to the County for review and approval by the County Engineer and the State Board of Health.

2. Upon approval of the plans by the County and State agencies, the developer will install the lines in accordance therewith.

3. Upon completion of the new extension, the developer will convey title to the completed facility, including all right-of-ways, easements, permits, franchises, and authorizations to the County without consideration or remuneration by deed, bill of sale, or other appropriate instruments.

E. Water line extensions to service partially developed subdivisions shall be subject to the following rules:

1. The subdivision developer will advance payment to the County for his pro-rated share of the cost of the water system installations, based on the percentage of lots remaining unsold to be applied toward cost of the proposed extension.

2. No such extension will be made until a determination of the feasibility of such extension has been made by the Board of Commissioners. In making such determination, the Board will consider the following factors:

- a) Availability of County funds
- b) Availability of developer funds
- c) Number of signed users
- d) Availability of water supply
- e) Number of potential users
- f) Anticipated future growth of area
- g) Approval of funding agencies

F. The County policy for extending water distribution lines **at the expense of County** will be as follows:

1. The extension of a water main along a public or private road qualifies to be considered feasible if the cost thereof does not exceed \$2,000 per user. "User" will mean owner of property with an occupied dwelling or building under construction with valid building permit who has demonstrated, in writing, their willingness to receive service and who has paid the required fees and/or deposits. **Extensions must be approved by the Board of Commissioners on a case by case basis.**

2. "User" as the term is used in Section 1, may mean a lot in a residential subdivision, the developer of which seeks to be served by the extension if:

- a) The developer, prior to letting of the contract by the County for the extension, obligates in writing to reimburse the County for all costs of the extensions immediately upon completion, and
- b) Secures his obligation by depositing the estimated cost of the project in escrow at no interest with the Finance Officer at the Pamlico County Finance office, and
- c) Immediately upon completion of the project, the developer reimburses the County for all costs of the project.

3. Public roads for purpose of these regulations are roads which are maintained by the Department of Transportation.

4. Upon completion of the new extension on private road, the property owner will convey title to the completed facility, including all right-of-ways, easements, permits, franchises, and authorizations to the County without consideration or remuneration by deed, bill of sale, or other appropriate instruments.

XIII. ARTICLE XIII – BILLING AND COLLECTION

A. Water meters will be read every month by the contracted meter reader, unless extenuating circumstances, such as hurricane, snow storm, etc., prohibit the Water Department from securing the readings. In the event actual readings are unavailable, an average of the previous six months readings will be used for billing purposes.

B. Meter readings that are determined to be in excess of consumer's normal average usage will be re-read by the Water Department personnel. Prior to receiving billing for high usage, the Water Department will attempt to contact the consumer by telephone or mail whenever possible.

C. Bills for water will be figured in accordance with the published rate schedule currently in effect, and will be based on the amount consumed for the period covered by the meter reading, except where a consumer requests termination of water service less than one month after previous reading. In such case, the bill will be at least the minimum fixed rate.

D. Charge for services commences when the meter is installed.

E. Readings from different meters will not be combined for billing, irrespective of the fact said meters may be for the same or different premises, or for the same or different consumers, or for the same or different services. An affidavit must be signed by all consumers with multiple accounts.

F. All bills are due the last day of the current month. Any bill not paid by the 15th day of the month after the due date, will result in service being discontinued.

1. The cut-off list will be reviewed to be certain each account meets criteria. Once an account is placed on cut-off list, a service fee will be added, and the account balance **in full** becomes due to avoid termination of service. If the account balance is paid by check and the check is returned unpaid, the meter will be cutoff and locked without any further notice.

2. Any consumer may be granted an extension for up to ten (10) days, if the Utilities Office Supervisor is contacted at least twenty-four (24) hours prior to the termination of water service for non-payment. In order to be granted an extension, the consumer must agree to pay the past due and current bill for each account for which an extension is granted.

3. Extensions shall be granted only three (3) times per calendar year and must be paid, in full, before another extension will be granted. An extension may only be authorized by the Utilities Office Supervisor.

4. There will be **NO** extension of water service granted to **ANY** consumer on the same day termination for non-payment is to be performed.

5. It shall be contrary to this policy for any employee or agent of the Pamlico County Water Department to contact any consumer with the intent to manipulate this policy to avoid termination of water service due to non-payment of the account.

G. Failure of a consumer to receive a bill does not constitute a defense to a delinquent charge.

H. A consumer may arrange to pay the monthly water billing by bank draft, subject to the following rules:

1. The consumer shall deliver to the Water Department instruments in writing, satisfactory to the drawee bank, authorizing drafts from the account.

2. The Water Department will draft the consumer's account on or after the 25th day of the month.

3. If a draft should be returned by the bank, for any reason there will be added to the consumer's account the same penalty and conditions as charged by the County for a returned check.

XIV. ARTICLE XIV – SUSPENSION OF SERVICE

A. Water service terminated for non-payment will be restored only after the account balance is paid in full and the **service** fee(s) are paid for each meter reconnected. A separate **service** fee will be added for each water and sewer service upon termination of service for non-payment. Service will only be restored during regular working hours. If reconnect is requested after **4:00 pm**, an additional \$25.00 fee will apply and must be paid prior to service being restored. To ensure the safety of our servicemen, there will be no service reconnections after 9 pm. **If an account is cutoff for non-payment, and payment is not received within 5 days, the account may be closed, deposits credited to account, and a final bill will be sent.**

B. The Water Department reserves the right to discontinue service, without notice, for any of the following reasons:

1. To prevent fraud or abuse
2. Consumer willful disregard of the County rules and regulations
3. Discovery of multiple users on a ¾" meter
4. Emergency repairs
5. Insufficient supply of water due to circumstances beyond the control of the Water Department
6. Legal processes
7. Direction of public authorities
8. Strike, riot, fire, flood, accident, or other unavoidable cause

C. The Water Department may, in addition to exercising any and all other remedies provided by law, permanently refuse service to any person, firm, or corporation who has violated the provisions of Subchapter VI, Criminal Trespass, Article 22, Section 14-151.1 of the General Statutes of North Carolina. In accordance with section (d) of this statute, anyone who tampers with, alters, or bypasses a water meter will be fined triple the amount of losses and damages sustained or five hundred dollars (\$500.00), whichever is greater.

14-151.1 Interfering with electric, gas or water meters; prima facie evidence of intent to alter, tamper with or bypass electric, gas or water meters: unlawful reconnection of electricity, gas, or water; civil liability.

TAMPERING, for this purpose, is defined as “any interference with any water meter or water line with the willful intent to access water without payment”

D. Each water service account will be treated as a separate entity for purposes of termination for non-payment, regardless of the name in which the account is registered. However, if the consumer moves and does not pay the final bill for a location, the service will be terminated at any new or existing location for which this consumer is responsible. (NOTE: For consumers with one or more accounts, all water service may be terminated should any account become delinquent.)

E. Water service accounts are subject to immediate termination if a check (or bank draft) accepted for payment is returned unpaid by the consumer’s bank. A returned check fee, as authorized by GS 25-3.512 will be added to the water service account and a letter mailed notifying the consumer of this action, allowing ten (10) calendar days for repayment with cash or certified funds. After three (3) returned checks (or bank drafts), the Water Department will accept only certified checks, money orders, or cash for payment.

F. Water service can be terminated or discontinued by either consumer request or by the Water Department. Once service is terminated, the water meter will be locked and service will only be restored when an application is completed and the proper fees and/or deposits are paid.

XV. ARTICLE XV – COMPLAINTS AND ADJUSTMENTS

A. If the consumer believes the water service billing to be in error, the claim must be presented, in person, at the Water Department prior to the bill becoming delinquent. The claim, if made after the billing becomes delinquent, will not be effective in preventing termination of service. The consumer may pay such bill under protest and said payment will not prejudice his claim.

B. The Water Department will make special meter readings at the request of the consumer for a fee of \$25, unless such reading discloses the meter has been read incorrectly, in which case there will be no charge.

On a motion made by Commissioner Jimmy Spain and seconded by Commissioner Kenny Heath, the following resolution was unanimously approved.

BE IT RESOLVED, that Ms. Missy Baskervill is hereby appointed to the NC 20 Board.

On a motion made by Commissioner Ann Holton and seconded by Commissioner Kenny Heath, the following resolution was unanimously approved.

BE IT RESOLVED, the County Manager is hereby directed to compose a resolution in opposition to the Tort Claims Act and present it at the next Commissioners meeting.

County Manager Tim Buck informed Board Members that the first round of budget cuts have been identified. He and the Assistant Finance Officer will meeting with Department Heads on April 17th and discuss additional areas that can be reduced. The following was reported:

- Original budget request (expense): \$17,986,111
- Anticipated revenues: \$16,751,862
- Shortfall before any cuts: \$ 1,234,239
- First round of cuts: \$ 503,868
- Current shortfall after first round of cuts: \$ 730,381

Board Members set a Budget Workshop for Monday April 27, 2009 at 8:30 a.m.

On a motion made by Commissioner Ann Holton and seconded by Commissioner Christine Mele, the Board went into closed session in accordance with G.S. 143.318.11(a) 5 & 6 to discuss initial salary terms for the Finance Officer position.

On a motion made by Commissioner Christine Mele and seconded by Commissioner Kenny Heath, the Board went back into open session.

County Attorney said a personnel matter was discussed and the County Manager was given direction.

There being no further business the Board recessed until Monday April 27, 2009 at 8:30 a.m.

Chairman

Clerk to the Board