

**BRUNSWICK REGIONAL WATER & SEWER H2GO  
REGULAR BOARD MEETING  
TUESDAY JULY 17, 2018**

**OFFICIAL MINUTES**

**CALL TO ORDER:**

Chairman Jeff Gerken called the meeting, located at Leland Town Hall, to order at 6:00 pm; a quorum was present. The assembly was lead in the Pledge of Allegiance.

**MEMBERS PRESENT:**

Present from the Board of Commissioners were members Jeff Gerken, Chairman, Trudy Trombley, Vice Chairman, Bill Beer, Secretary, Ronnie Jenkins and Rodney McCoy, present from H2GO was Bob Walker, Executive Director, Scott Hook, Finance Officer, Tyler Wittkofsky, Public Information Officer, Brenda Thurman, Customer Service Supervisor, Teresa Long, Clerk to the Board, and Deana Greiner, Deputy Clerk to the Board.

**DISCUSSION/ADJUSTMENT OF AGENDA:**

Chairman Gerken opened the floor for any adjustments to the agenda. No adjustment were made. **Commissioner Trombley motioned to approve the agenda as presented, Commissioner Beer seconded, the motion passed unanimously.**

**CONSENT AGENDA:**

*Approval of Minutes June 19 2018 Regular Board Meeting:  
Approval of Minutes June 29, 2018 Special Board Meeting:*

No corrections were noted to either set of minutes. **Commissioner Beer motioned to approve the consent agenda as presented, Commissioner McCoy seconded and the motion carried unanimously.**

**COMMISSIONERS REPORT:**

Chairman Gerken reported he attended a hearing on the ongoing lawsuit on July 6, 2018. Commissioner Beer reported that he attended the Brunswick Family Assistance charity fund raiser; he said that at the event H2GO was mentioned prominently. Chairman Gerken thanked Mr. Willis for bringing in Brunswick Family Assistance. Commissioner Jenkins reported that he attended the annual Navassa Parade; he said it was an outstanding event.

**PUBLIC COMMENTS:**

Chairman Gerken opened the floor for public comments; he informed everyone that given the number of people who has signed up, that they would be given 3 minutes each to speak.

**Barry Laub; 8190 Ibis Pointe:**

“Commissioners, during last month’s public comments, you heard Braydon Willis tell us that Dr. and Professor Larry Cahoon said that he is now drinking tap water. What a shock to us. What a surprise. Here it sounds as if your customers’ concerns, our concerns about the river water are trivial and unwarranted. Not so. Because, as often happens, Mr. Willis failed to research his statement thoroughly. We had further talks with Professor Cahoon and, it turns out that Professor Cahoon was speaking only of Wilmington tap water from the CFPUA. The CFPUA has eliminated most of the dioxane. Recent test prove that this is not true of Brunswick County tap water. When asked about Brunswick County tap water, Dr. Cahoon recommended we do not drink the Brunswick County tap water. In an email on June 22<sup>nd</sup>, he said, and I quote, ‘. . . my personal choice would be to avoid drinking the tap water in Brunswick County owing to the 1,4-dioxane issue. 1,4-dioxane is a solvent, meaning that it should get right through cell membranes into cells, where it can do all kinds of mischief.’ When we asked Dr. and Professor Detlef Knappe about the effects of 1,4-dioxane in Brunswick County tap water, he said, and I quote, ‘According to the EPA, 1,4-dioxane is a likely human carcinogen by all routes of exposure. I would [even] include dermal absorption in that definition.’ Note that our levels of 1,4-dioxane in our water have been as high as 20 times the EPA advisory level of 0.35 ppb. So, 1,4-dioxane, which is a solvent, gets through your and my and all of our cell membranes and right into our cells. And dermal absorption (or transfer through the skin) is also a possible secondary route by which 1,4-dioxane can enter our bodies in addition to drinking contaminated river water. We’re absorbing it through our skin when we shower and bathe. Let’s be clear in our common understanding, both of these well-known and respected North Carolina scientists, then, recommend against drinking Brunswick County water for now. Commissioners Gerken, Trombley and Beer...when will you drop your own self-interest and adhere to the Code of Ethics? It is time for you to promote the health and welfare of your customer base! Now!”

**Dennis Sender: 8663 Hammocks Cove Trail:**

A recently release report from the ATSDR (U.S. Agency for Toxic Substances and Disease Registry) has lowered health advisory levels on PFOAs, PFOSs, PFHxSs and PFNAs. All of these emerging contaminants are found in Cape Fear River water. What should we know about these contaminants we are ingesting? In fact, let’s think for a moment about that bottle of tap water in front of Commissioner Gerken. What’s in there and what might the chemicals in that tap water be doing to Commissioner Gerken and or his family? Taken altogether, toxic chemicals in these four groups contribute or are believed to contribute to: kidney cancer and kidney disease, testicular cancer, ulcerative colitis, thyroid disease, and other afflictions. They compromise the immune system reducing our ability to fight off disease, alter the thyroid hormone changing the thyroid function, raise the cholesterol level, increase the risk of ADHD. In men they reduce semen volume and reduce sperm concentration. Women are experiencing increase infertility and increase the risk of preeclampsia. In children they slow down childhood development. And all of these products are BIO-RETENTIVE, and will remain in the body for years, as well as build up in the body over time. Now 1,4 dioxane is an especially nasty compound. Exposure may cause damage to the central nervous system, liver and kidneys. Dioxane is "reasonably anticipated to be a human carcinogen" and the State of California says it causes cancer. RO will not remove it entirely from the processed water. The distribution of dioxane is rapid and uniform in the lungs, liver, kidneys, spleen, colon and skeletal muscle tissue It may be slightly toxic to a developing fetus resulting in lower birthweights. Well, now the U.S. DHHS is considering setting a

cumulative maximum health advisory where the total concentrations of all these contaminants are added together. Our own Dr. Knappe and Dr. Cahoon have already proposed this. All these contaminants and all these effects are sitting right there in that water in front of you Commissioner Gerken. And if your loved ones are really and actually drinking and cooking with tap water at home, you are putting them at risk big time. Seriously, wouldn't you rather be drinking aquifer water free of all that? Your customers would, especially since it will be cheaper than the processed river water available from Brunswick County in 3 to 4 years from now. Why wait for second best? We deserve clean affordable water ASAP. Commissioners, I have provided each of you with a printed copy of an EPA report on 1,4 dioxane. If you have not read that report, you should.

### **Alex Wesly: Lot owner in Compass Pointe**

“Leland has stated that they want to take over the H2GO infrastructure. Dissolving H2GO would make that a very real possibility. So let's look at what that would mean to customers of H2GO. Customers of H2GO have enjoyed water and sewer service from an award winning utility. Service levels are consistently high and any problems are dealt with quickly, they do not linger. Not so with the town of Leland. Let's look at some of the known problems with the Town of Leland infrastructure:

- Leland had over 100,000 gallons of sanitary sewer overflows reported to the DEQ DENR last year, the highest in all of Brunswick County
- Leland has had flooding within
  - The Parkview subdivision of Brunswick Forest
  - The Wedgewood subdivision
  - The Hearthstone subdivision
  - The Magnolia Greens subdivision where the HOA president indicated over 150 homes were affected by flooding
  - The Lanvale Trace subdivision where cars have been unable to get in and out of the subdivision and two cars ended up in the front entrance retention pond trying to enter.
- Water Tower Number 1 is still lacking a booster pump
- The relatively new Walgreens on Highway 17 had a sanitary overflow from a crack in the relatively new 8” pipe installed by the Town of Leland.

So, with this dismal Leland record of unreliability and obvious design flaws, dissolving H2GO would put current H2GO customers into the hands of the worst sanitary sewer management municipality in all of Brunswick County. Tell us commissioners, how is that looking out for the best interests of your customers? Commissioners, if you truly want to look out for the best interest of your customers withdraw from the lawsuit and join with the Town of Belville in fighting Leland and in finding a way to complete the RO project. And on a personal note, I know 5 people that were planning to build here and move here that have changed their minds and are selling their property. Homebuilding and retirement is the major industry in this area and many of those retirees come from the Northeast where water is a big concern. By your refusal to provide clean water to your customers, you have just eliminated \$2 million of local economy.”

**James Smith: 2399 Sugargrove Trail:**

“Commissioners Gerken, Beer and Trombley, you have broken promise after promise to us, the customers and ratepayers of H2GO. You have become antiquated, refusing to change direction based on new information available since the last election, specifically, facts involving the water treatment plans of Brunswick County. Let’s look at some of your broken promises. You said you would make sure your customers paid less for your water and you would do that by eliminating the RO project. With Brunswick County’s promise of a minimum 25% rate increase, the ROI project now becomes the less expensive and most practical solution for your customers. Eliminating the RO project puts the lie to your pre-election claims for now you want to dissolve H2GO and make us pay more money for our water, not less. Based on Brunswick County’s average rate increase over the last 15 years, by the year 2030, Brunswick County water customers will be paying a minimum increase of 45%. Those increases are unnecessary if the RO project is completed and the cost of water for H2GO is stabilized. So, that makes the lie that you are supporting our least expensive source for water even greater. Commissioner Beer claimed that no one needed a reverse osmosis plant to clean Cape Fear River water. Now Brunswick County is building a \$99 million reverse osmosis plant to clean the river water as much as possible. Our own, well run and progressive county has turned to reverse osmosis as the best solution based on recommendations from real experts. As described in a presentation last month, you talked about eliminating the middle man by dissolving H2GO when, in fact, completing the RO project would do exactly that. H2GO would no longer be a middle man but rather H2GO would become a primary supplier drawing its own water directly from the aquifers. Your plan to eliminate H2GO would mean the Town of Leland would become our new middle man when Leland would acquire the H2GO infrastructure. You didn’t mean eliminate our middle man, you meant simply to change our middle man over to the Town of Leland instead. At last month’s meeting, Commissioner Trombley declared, in an outburst, that the previous board had held illegal meetings that violated the State of North Carolina open meeting law. If that could be proven, do you not believe it already would have been part of the lawsuit? While seen as an outburst by some, Commissioner Trombley’s unsupported claim could be interpreted as an intentional lie shouted out in an attempt to confuse and to deceive the public.”

**Mary Ann Fagerquist: 247 Ross Ct:**

“But you all do not appear very concerned about telling the truth in your alternate universe of self-created reality. Commissioner Beer, during a facilities tour with another commissioner and the executive director of H2GO, made a very telling comment. While looking at an H2GO project along Route 17, Commissioner Beer said that sometimes people ask him questions about H2GO projects and if he doesn’t know the answer, he makes something up. Then he said, and I quote ‘and they tend to believe me.’ If Commissioner Beer makes something up which he does not know to be true, he is lying to the public about his knowledge and he may very well be lying to the public about the truth when he speaks from assumptions. Furthermore, Commissioner Beer is violating the H2GO Code of Ethics which states that Board members shall, and I quote, ‘Avoid impropriety in the exercise of the board member’s official duties, and demonstrate the highest standards of personal integrity, truthfulness and honesty in all his or her public activities.’ This is a clear violation of the H2GO Code of Ethics, as was Commissioner Trombley’s statement in an interview shortly after being elected when she said that eliminating H2GO would eliminate the middle man. Not true. Completing the RO project would create a new primary supplier. So I don’t understand as you fail to change direction with these new facts. And your very failure to change direction, has turned those past promises into what certainly

appear to be present misinformation. You have refused to change direction as the world has changed around you. You have refused to find new ways to honor your commitment to the customers and ratepayers of H2GO. What we don't understand is why you set yourselves up for public embarrassment by continuing down the illogical path, the path that puts your customers and ratepayer's best interests last instead of first. In a more perfect world, you commissioners would serve the best interests of your customers first, not the power hungry desires of Leland. You would abandon the lawsuit and join with Belville in fighting the Leland lawsuit and in working towards completion of the RO project."

Commissioner Beer said, "I'm not sure where that information came from; that is a fabrication. If we were joking around when we were out there, there is no way you should be able to twist those words around. "Commissioner Jenkins stated that the information came from him and that Commissioner Beer did say that. Commissioner Beer asked Mr. Walker why he had told them that as well. Mrs. Fagerquist clarified that she did not say Mr. Walker told her, rather she said that he was also there when it was said.

**Steve Hosmer: 8452 Forest Crest Ct:**

"Commissioners, I want to talk about the alternate reality in which you apparently operate. Commissioners, in your minds, what do you think are the most important truths to your customers and ratepayers? In simple terms, here are the most important truths to your customers and ratepayers.

Your customers want it to be true that

- They can trust 100% that the water they drink is clean and free of chemical contaminant cocktail elements.
- That they can get this clean, clear water as soon as possible to eliminate the need to continue spending unneeded money on bottled water to keep their families safe.
- That they can trust that they will have the lowest water rates both near term and for the next decade.
- That they can continue to have an award winning, trusted, reliable delivery team delivering water and sewer services with an infrastructure that is proven effective
- That they can start buying water from a primary supplier to insure long-term rate stability.

We believe that these are all truths of completing the RO plant. So, the truths of completing the RO plant are these: clean water free of the chemical contaminant cocktail in the river, less expensive water both near term and long term, clean water sooner, and water from a trusted, reliable primary water source with an established excellent performance record. Commissioners, you apparently live in an alternate reality from your customers. One that keeps these truths out and contains the truths that you construct. You say of your alternate reality truths, 'Yes, these are truths because I declare them to be so.' They may be your truths; however, they unfortunately are not the truths of your customers or of the world at large. Cleaner, Cheaper, Faster, More

Reliable, this is the basic blocking and tackling of a water utility. These are the obvious truths of your customers. Please commissioners, break out of your self-created, alternate reality truth shell and serve your customers. Withdraw from the lawsuit and join Belville in opposing Leland's attempt to destroy the RO plant project. What say you commissioners, when will you finally put the obvious needs and best interests of your customers first? When will you start doing your jobs ethically and responsibly?"

**Brayton Willis: 1177 Willow Pond Ln:**

"Just to correct the record of who made that statement about me; I said that Dr. Calhoun drinks the water. I did not say Brunswick County or I did not say New Hanover County. I said he drinks the water, period. I want to thank the H2GO board and the Town of Leland for their assertive legal actions against the Town of Belville grievous attempt to purchase H2GO's operational functions and assets. I had the opportunity to attend the last superior court hearing on this matter and it appeared to me that Judge Baldwin admitted that upon expiration of the 30 days operation agreement that the members of the previous board strike with Belville." Chairman Gerken interrupted and stated that Mr. Willis meant to say Charles Baldwin. "That the very next day the employees of H2GO would become employees of the Town of Belville, wear work shirts identifying themselves as employees of Belville. Not only would that happen but if the transfer of H2GO's assets to Belville were approved by the courts, a huge majority of H2GO's customers will no longer have any power at the voting booth to elect the leadership of their water and sewer provider. Why? Because over 90% of H2GO's customers live outside the political boundaries of Belville. If the transfer to Belville go through, H2GO's assets and operations will be controlled by Belville's elected leadership even though nearly 70% of H2GO's customers reside in Leland and approximately 9% reside in Belville. The \$19 million in cash H2GO has amassed from overcharging their customers would immediately go to Belville's general fund by state law and lost forever for the needs of this utility. Having said that a recent Star News editorial stated that if the courts sided with Belville, the H2GO RO plant could be up and running in a year. How do they know that? How do you know that? Has anyone on the editorial staff or even in this audience seen revised engineering cost estimates? Has anyone seen a revised construction schedule, including risk and uncertainty analysis? Has anyone? No. Has anyone seen a life cycle cost estimate for this project? No. None of those documents exist, they never existed. The previous board never got them done and that's absurd. I think, none of the documents exist, again I say, because they just plain don't exist. There claims that H2GO's plant would be up and running in a year is another inaccurate message turned up by a few uninformed souls trying to sell us a pig in a poke."

**OLD BUSINESS:**

None discuss.

**EXECUTIVE DIRECTOR'S REPORT:**

*Fire Hydrant Obstruction Ordinance:* Mr. Walker explained that there were several hydrants obstructed with vegetation and other obstacles; he explained that staff has been dealing for years to come up with a way to enforce keeping the hydrants clear. Mr. Walker explains that there needs to be something in place that would allow staff to take the appropriate action in trimming

and/or removing bushes to allow for access to the hydrants for maintenance and for access by the Fire Department in case of an emergency. Mr. Walker presented to the board a draft copy of a fire hydrant obstruction ordinance; he said it was reviewed by Mr. Coble. Mr. Coble explained that his only concern with the document was the section regarding penalties; he explained that he wanted to make sure what was written was aligned with State Statute; he explained that the State Statute uses the term Class 1 Misdemeanor and Mr. Walker wrote "\$1000 and 30 days imprisonment." Mr. Coble explained that he wanted to make sure the two statements were hand in hand; he said it would be ok for the board to approve the ordinance contingent upon his review of the penalty language. Mr. Coble explained that Mr. Walker was only really looking for something he could send out with some teeth behind it. Mr. Walker assured the board that staff would be very diplomatic about this; he said most of the hydrants fall within the dedicated utility easements. Mr. Coble explained that this would give Mr. Walker something to send out to the customers, informing them that they need to address their shrubs and then if they didn't comply then H2GO staff could have the shrubs cut and then in turn fine the customer. Mr. Coble said if the customer continually was a repeat offender then we could take it a step further. Discussion ensues. Mr. Walker expressed that this is something he wanted to be diplomatic about; he said he wanted to educate the customers on why it's important. Mr. Walker said he doesn't want to see that one house burn down because the fire department can't get access. It was also said that it is difficult for staff to maintain the hydrants when they are blocked. Mr. Walker asked the board to approve the ordinance subject to Coble's review of the penalty section. Chairman Gerken directed Mr. Wittkofsky to put out a news release regarding this item as well. Commissioner Beer asked if staff knew where the problem hydrants were located and how many there were. Mr. Walker explained that there were about 50 known hydrants; he explained that the ordinance will be sent out as a bill insert. Mr. Walker said he will then send information directly to the adjacent property owners of the hydrants. Mr. Walker expressed that he was willing to personally meet with the property owners so there was no confusion on what would be expected. Mr. Walker mentioned working with the home owners associations as well; he said they control most of the vegetation around the hydrants. **Commissioner McCoy made the motion to approve the Fire Hydrant Obstruction Ordinance, which is incorporated by reference and hereby made part of these minutes as Exhibit A; as written; Commissioner Jenkins seconded and the motion carried unanimously.**

Commissioner McCoy asked Mr. Walker about the status of the regional pump station on Highway 17. Mr. Walker explained that he has suspended the work with the Wooten Company; he said the Wooten Company has finished the surveys. Mr. Walker said he asked them to just stand back until further notice; he said the design will be pending until Leland decides to move forward with their plans. Commissioner Jenkins explained that he heard Leland had started work a couple of months ago; he said he just recently read in the paper that Leland was just beginning the project. Commissioner Jenkins expressed that he didn't understand why we had to wait on Leland, who hasn't begun their project when we are ready to move forward. Mr. Walker explained that there was a meeting at the end of May he had with Brunswick County and the Town of Leland where Mr. David Hollis said they were already under way of a project in that area. Mr. Walker said that in the meeting he had asked Mr. Hollis who they were using as an engineer; he said he was told it was Hanover Design, however, last month they hired a different engineer for the design of the project.

## ASSISTANT DIRECTOR'S REPORT:

Nothing to report.

## FINANCE OFFICER'S REPORT:

*Check Register:* No comments made.

## PUBLIC INFORMATION OFFICER'S REPORT:

Nothing to report.

## ATTORNEY'S REPORT:

Mr. Edes explained that he received an email from Judge Henry; he said Judge Henry will be on vacation next week and will return to his office the following Monday.

## NEW BUSINESS:

*Regular Board Meeting Schedule:*

*Litigation Committee Schedule:*

It was said that H2GO needed to either change the meeting date for August or change the location. It was said that the August meeting scheduled was the same date and time as the Town of Leland's council meeting and that their town hall would not be available. It was said that the Litigation Committee would meet immediately after adjournment of the regular scheduled meetings. After much discussion on dates and schedules, the board decided to change the August meeting date to Monday August 27, 2018; the September meeting date to Tuesday September 25, 2018; and agreed to set the Litigation Committee Schedule to the same dates as the Regular Board meeting schedule. It was said that because there are three board members listed on the Litigation Committee that there must be a public notice of those meetings; it was said that a schedule could be adopted and or a public notice would need to be published 48 hours prior. **Commissioner Beer made the motion to accept the changes discussed for the Regular Board Meeting Schedule and the Litigation Committee Schedule.** Commissioner Jenkins asked about the litigation committee. Chairman Gerken explained that it consisted of Commissioners Trombley, Beer and himself; he said the purpose of the committee was to preserve the attorney, client privilege. Mr. Coble wanted to clarify that the motion made was to change the regular schedule of board meetings and to adopt a schedule for the litigation committee. There was questions on whether or not there was a motion on the table and who seconded it; **because of the confusion the original motion was voided by an unanimous vote.** Mr. Edes suggested that the board adopt each schedule by separate motions. **Commissioner McCoy made the motion to accept the changes for the Regular Board Meeting as discussed; Commissioner Beer seconded and the motion carried unanimously. Commissioner Beer made the motion to adopt the schedule for the Litigation Committee as discussed; Commissioner Trombley seconded and the motion carried with a vote of 3 yeas from Commissioners Beer, Gerken, and Trombley and 2 nays from Commissioners McCoy and Jenkins.**

**INFORMAL DISCUSSION:**

None Discussed.

**ANNOUNCEMENT OF NEXT MEETING:**

August 27, 2018 Regular Board Meeting

**ADJOURNMENT:**

Commissioner Jenkins made the motion to adjourn the meeting at 6:59 pm, it was seconded by Commissioner McCoy, and the motion carried unanimously.

  
\_\_\_\_\_  
Jeff Gerken, Chairman

  
\_\_\_\_\_  
Bill Beer, Secretary

  
\_\_\_\_\_  
Deana Greiner, CMC  
Deputy Clerk to the Board

8-27-18  
\_\_\_\_\_  
Date of Approval

# EXHIBIT A

## BRUNSWICK REGIONAL WATER & SEWER H2GO

AN ORDINANCE OF BRUNSWICK REGIONAL WATER & SEWER H2GO, PROHIBITING THE OBSTRUCTION OF ANY FIRE HYDRANTS OR OTHER FIRE PROTECTION EQUIPMENT WITH PLANTS, FENCING, LANDSCAPING MATERIALS OR OTHER OBJECTS, AND PROVIDING PENALTIES, AND OTHER REMEDIES FOR VIOLATIONS THEREOF.

WHEREAS, the Brunswick Regional Water & Sewer H2GO water distribution system is provided for two primary purposes: (1) drinking water supply and (2) fire protection; and

WHEREAS, pursuant to Article 1, Part 2, Section 55 of the North Carolina G.S. 130A, the Board of Commissioners (the "BOARD") is empowered to adopt ordinances to protect the health, safety, and welfare of persons or property within the Brunswick Regional Water & Sewer H2GO district; and

WHEREAS, the H2GO Board of Commissioners believes that the obstruction of fire hydrants and other fire protection equipment by plants, tress, landscaping or fencing materials, or other objects or structures, inhibits the maintenance of such fire hydrants and impedes first responders' ability to quickly locate and gain unfettered access to critical fire hydrants during emergencies and thus poses an obvious and substantial danger and unreasonable risk to the health, safety, and welfare of persons and property within the Brunswick Regional Water & Sewer H2GO district; and

WHEREAS, the H2GO Board of Directors, pursuant to above authority and consistent with applicable sections of the North Carolina Fire Prevention Code, seeks hereby to prevent the obvious dangers caused by the obstruction of fire hydrants with plants, trees, landscaping materials, fencing, or other obstructing objects or structures, and to provide appropriate penalties and remedies for violations of this Ordinance.

Section 1: Title. This Ordinance shall be known and designated as the "Fire Hydrant Obstruction Ordinance of Brunswick Regional Water & Sewer H2GO".

Section 2: Obstructions to Fire Hydrants and Other Fire Protection Equipment Prohibited. Posts, fences, vehicles, plants, trees, growth, trash, landscaping materials, rock materials, storage and other materials, structures or objects shall not be placed or kept near fire hydrants, fire department inlet connections or fire protection system control valves (collectively referred to as "fire hydrants" or "fire protection equipment") in a manner that would prevent fire hydrants or other fire protection equipment from being immediately discernible or readily accessible. H2GO employees and the fire department shall not be deterred nor hindered from gaining immediate and safe access to any such fire hydrants or other fire protection equipment.

# EXHIBIT A

Section 3: Buffer Area around Fire Hydrants and Other Fire Protection Equipment. A three (3) foot clear space shall be maintained around the circumference of fire hydrants and other fire protection equipment except as otherwise required or approved by the Board of Commissioners upon the recommendation of the Executive Director. No grass, plants or other objects within this three (3) foot radius shall exceed six (6) inches in height. No loose rocks or any other objects which may pose a tripping hazard shall be permitted within the foregoing radius. In conjunction with the three (3) foot radius, all fire hydrants and other fire protection equipment must have an unimpeded view range of at least two (2) feet to each side along the roadway.

Section 4: Violations and Penalties. Any person violating any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than ONE THOUSAND (\$1,000.00) DOLLARS, plus costs, and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Each violation of any provision of this Ordinance shall constitute a separate offense. In addition, in any civil enforcement action brought by H2GO to collect unpaid fines or penalties imposed pursuant to this Ordinance, H2GO shall also be entitled to collect all costs, expenses, and attorney fees associated with such action.

Section 5: Right to Enter and Remove Obstructions; Liens. In addition to any other penalties and remedies provided herein or otherwise available under law, upon the failure of the owner or person in charge of or in possession of the property to remove any offending obstruction in violation of this Ordinance after receiving a notice of violation, any duly authorized employee or contractor of H2GO, or other entity having jurisdiction or control over the fire hydrant or the premises upon which the fire hydrant is located may, without further notice to the owner or persons in charge or possession of such property, enter upon the premise and cause the removal of all offending obstructions to the fire hydrant or other fire protection equipment. The costs of such action to remove offending obstruction shall be charged against the owner(s) or other person(s) in charge of said premises and shall also be charged against the real estate upon which the fire hydrant and the offending obstructions are located and shall be in lien upon such real estate.

Section 6: H2GO Reservation of Right to Enter Upon Lands to Maintain Fire Hydrants. Nothing in this Ordinance shall be interpreted as limiting in any manner the right of H2GO, or any other entity having jurisdiction or control over any fire hydrant to entering upon any right-of-way, easement or other premises upon which any fire hydrant or other fire protection equipment is located to cause the removal of any and all obstructions or other objects or structures whose presence is inconsistent with the right to gain unfettered access to and to maintain such fire hydrant or other fire protection equipment and/or appurtenant rights-of-way, easements or other premises upon which such fire protection equipment is located. Nor shall any person be entitled to the return of, or to any compensation for, any offending obstructions removed or for any damages caused to any such obstructions or to the premises by or as a result of the entry and removal of such obstructions.

Section 7: Severability. In the event that any section or sections of this Ordinance, or parts of the same, shall be declared to be invalid by any Court of competent authority, the remaining provisions of this Ordinance shall continue in full force and effect notwithstanding.

# EXHIBIT A

Section 8: Repealer. Any other Ordinance or part(s) of any Ordinance(s) which conflicts with the terms and provisions of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

Section 9: Effective Date: This Ordinance shall take effect immediately as provided under law.

ORDAINED AND ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2018

ATTEST:

Brunswick Regional Water & Sewer H2GO

\_\_\_\_\_  
Teresa Long, Clerk to the Board

\_\_\_\_\_  
Jeff Gerken, Chairman