

ADJOURNED MEETING CITY COUNCIL
February 25, 2010

The City Council of the City of Albemarle met in an adjourned session on Thursday, February 25, 2010, at 5:00 p.m. in the Conference Room of the City Hall. Mayor Elbert L. Whitley presided and the following Councilmembers were present, to wit: Troy E. Alexander, Martha Sue Hall, Judy Holcomb, Jeanette M. Napier, Jack F. Neel, Dexter Townsend and T. Ed Underwood. Absent, none.

Mayor Whitley called the meeting to order.

The Mayor and City Council discussed appointments to the Planning and Zoning Board and the Zoning Board of Adjustment.

Councilmember Holcomb said she felt all City boards to which the Mayor and Council make appointments should have term limits. Councilmember Alexander said he was concerned that this may cause the loss of experience.

Councilmember Holcomb moved to establish a two consecutive term limit for all City Council appointed boards and commissions with the start of the next term for members being considered the first of the two year terms limit, and that individuals are eligible for appointment again after one full year off a board. The motion was seconded by Councilmember Underwood.

Upon further discussion, Councilmember Hall said she felt the current term of all board members should be considered the first in the two consecutive term maximum.

Councilmember Holcomb amended her motion to provide that all current board and commission members will be considered on their first term for the purposes of a two consecutive term maximum. Councilmember Underwood amended his second.

Upon a vote, the motion to establish a two consecutive term limit for all City Council appointed boards and commissions with the current terms for members being considered the first of the two consecutive terms limit, and that individuals are eligible for appointment again after one full year off a board was

unanimously carried. The City Manager noted City Attorney David Beaver would draft an Ordinance to implement this action.

The Mayor and City Council discussed the positions of alternates to the Planning and Zoning Board and the Zoning Board of Adjustment. Councilmember Neel said alternates are not needed on the Planning and Zoning Board, but are necessary for the Zoning Board of Adjustment because a super majority is required to grant a variance. The City Manager indicated that the Planning staff is recommending that alternates continue to be utilized for the Zoning Board of Adjustment for the reasons specified by Councilmember Neel, and so that public meetings are not rescheduled due to a lack of a quorum.

Councilmember Townsend moved to keep the position of alternate on the Planning and Zoning Board and Zoning Board of Adjustment. The motion was seconded by Councilmember Hall. Voting in favor of the motion were Councilmembers Hall and Townsend. Voting in opposition to the motion were Councilmembers Alexander, Holcomb, Napier, Neel and Underwood. The motion failed to carry.

Councilmember Neel moved to keep the positions of alternate on the Zoning Board of Adjustment and to eliminate the position of alternate on the Planning and Zoning Board at the end of the terms of the current alternates. The motion was seconded by Councilmember Holcomb. Voting in favor of the motion were Councilmembers Alexander, Holcomb, Napier, Neel and Underwood. Voting in opposition to the motion were Councilmembers Hall and Townsend. The motion carried.

Upon a motion by Councilmember Townsend, seconded by Councilmember Hall and unanimously carried, the position of fourth alternate on the Zoning Board of Adjustment, currently vacant, was eliminated.

Upon a motion by Councilmember Holcomb, seconded by Councilmember Hall and unanimously carried, the City Council voted to solicit members of the public who are interested in serving on the City's boards and commissions on the City's website. The City Manager noted this would be done in addition to the other methods used in the past. Council asked the April utility bill stuffer be used to solicit interest.

Councilmember Neel said the Planning Board should enforce their policy of removing a Board member who has missed three consecutive meetings without cause.

The City Council discussed filing the vacant position on the Planning and Zoning Board. Councilmember Holcomb nominated Zoning Board of Adjustment alternate Randy Shank to fill this vacancy. Councilmember Townsend nominated Planning and Zoning Board alternate Roosevelt Horne to fill the vacancy.

Councilmember Holcomb moved to appoint Randy Shank to fill the unexpired term on the Planning and Zoning Board. The motion was seconded by Councilmember Neel.

Upon further discussion, Councilmember Hall said she was voting against the motion not because of the individual nominated, but because she believes that the alternate ought to be utilized due to their service and experience as alternates.

Upon a voting on the motion, Councilmembers Alexander, Holcomb and Napier voted in favor of the motion. Councilmembers Hall, Neel, Townsend and Underwood voted against the motion. The motion failed to carry.

Councilmember Townsend made a motion to appoint Roosevelt Horne to fill the vacant position on the Planning and Zoning Board. The motion was seconded by Councilmember Hall. Voting in favor of the motion were Councilmembers Alexander, Hall, Neel, Townsend and Underwood. Voting in opposition to the motion were Councilmembers Holcomb and Napier. The motion carried.

The Mayor and City Council discussed outside the county water sales to other governmental entities. Mayor Whitley said that Alcoa has requested any agreement between the City of Albemarle and City of Concord not be finalized until Alcoa's license is renewed by FERC. He said if this is done, Alcoa will not consider the water sold to Concord as counting against the City's 30 million gallon per day allocation from Alcoa.

The City Manager said staff is still researching sample agreements for outside water sales for the Mayor and Council to review.

Councilmember Hall left the meeting at this time.

Mayor Whitley said discussions with Concord are ongoing and a meeting of the City Councils could be held in the near future.

The City Council also discussed the potential sale of water to the Handy Sanitary District located in Davidson and Montgomery Counties. Their initial request is for between 200,000 and 500,000 gallons per day, which the City Manager noted the City's system could easily handle and could benefit from the revenues from the sale. Councilmember Neel suggested a take or pay percentage of 33%.

The Mayor and City Council discussed the City's policy for granting water and sewer taps to individuals outside the City limits. The City Manager noted the current policy has been in place since the early 1980's and allows staff to approve connections for individuals whose property adjoins a City line, but that all other requests must be considered by the City Council. Councilmember Alexander asked what the problem was if outside City taps were made. Councilmember Neel said the North Carolina General Assembly is threatening municipal annexation authority and he does not feel that services should be provided if annexation is not an option.

Councilmember Neel was going to draft proposed changes to the policy for future consideration.

The Mayor and City Council discussed the City's Equal Payment Plan for utility customers. The City Manager reported that advertisement of this program will be in the March utility bill stuffer and on the City's website. He also said that customers without good credit history are not eligible to participate in the program. Good credit history is defined as not having a late payment in the last 12 months. The reason for this is because there is the potential for a large balance to be on the bill at the end of the 12 month term that individuals may not be able to pay. This creates a liability for the City's utility system. Councilmember Townsend said he felt that only customers who have been cut off for non-payment in the last 12 months should be prohibited from participation.

Council did not take any action to change the policy.

Upon a motion by Councilmember Underwood, seconded by Councilmember Alexander and unanimously carried, the meeting was adjourned.