

Worksession

Present: Mayor Charles R. Worley, Presiding; Vice-Mayor R. Carl Mumpower; Councilwoman Terry M. Bellamy; Councilman Jan B. Davis; Councilwoman Diana Hollis Jones; Councilman Brownie W. Newman; City Manager James L. Westbrook Jr.; City Attorney Robert W. Oast Jr.; and City Clerk Magdalen Burleson

Absent: Councilman Joseph C. Dunn

CONSENT:

Support for Statewide Passenger Rail Service

Summary: The consideration of a resolution supporting statewide passenger rail service.

Since 1999, a group called the Western Carolina Rail Corridor Committee has been meeting and working to advocate and generate momentum for getting passenger rail service from Salisbury to Asheville. The Committee consists of representatives from each of the nine locations along the route where a depot either currently exists or, in the case of Asheville, is proposed. Following this example, a similar 'Committee' has recently formed around a similar movement for passenger rail service between Raleigh and Wilmington/or Morehead City. Now, both groups are collaborating to promote a statewide passenger rail system across North Carolina. To that end, they are asking all affected units of local government, local business organizations, and other groups for their support by adoption of a resolution of support. Their plan is to present the collective resolutions to the NC General Assembly during the upcoming session as a demonstration of wide support for the service.

Staff recommends Council approve the resolution supporting statewide passenger rail service.

New Street Name of "Gabrielle Lane"

Summary: The consideration of a resolution accepting the new proposed street name "Gabrielle Lane."

Gashes Creek Ridge LLC, owner of lots off of Gashes Creek Road, has petitioned the City of Asheville to accept the street name "Gabrielle Lane."

The new street will begin at Gashes Creek Road and end at the cul-de-sac on Gabrielle Lane.

City staff recommends adoption of the resolution accepting the new street name "Gabrielle Lane."

Budget Amendment for NC DOT TEA 21 Enhancement Grants

Summary: The consideration of a budget amendment for three municipal agreements with the N. C. Dept. of Transportation (NCDOT) for TEA 21 Enhancement Grants for (1) New Haw Creek Road/Avon Road Sidewalks; (2) Pack Square Pedestrian Improvements; and (3) West End/Clingman Pedestrian Improvements.

On October 11, 2003, City Council authorized the City Manager to sign three municipal agreements with the NCDOT accepting the award of TEA 21 Enhancement grants for the three aforementioned sidewalk and pedestrian projects. The NCDOT will disburse TEA 21 funds for all three projects directly to the City; however, the City is responsible for only the New Haw Creek

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Road/Avon project and is required to provide a local cash match. The City will distribute the other TEA 21 grant funds to the Pack Square Conservancy, who is responsible for managing the Pack Square Pedestrian Improvement project, and to Mountain Housing Opportunities, who will manage the West End/Clingman Project. Because all funds will initially be issued to the City for subsequent disbursement, a budget amendment authorizing the use of these funds is required.

The specific amounts of the grants are as follows:

- (1) New Haw Creek Road/Avon Road Sidewalk – The TEA-21 grant award for this project is \$172,132. The State is matching this grant with \$150,000 from its Small Urban Fund Grant. Additional matches include \$5,000 from the Haw Creek Community Association, and \$40,000 from the City, which is already budgeted in the City's fee-in-lieu of sidewalks account.

- (2) Pack Square Pedestrian Improvements – The amount of the grant is \$140,000. Pack Square Conservancy will provide the match for the project.
- (3) West End/Clingman Pedestrian Improvements – The amount of the grant is \$172,131. The match for the project will be made by Mountain Housing Opportunities.

Staff recommends that a budget amendment for three municipal agreements with NCDOT for TEA 21 Enhancement Grants for (1) New Haw Creek Road/Avon Road Sidewalks; (2) Pack Square Pedestrian Improvements; and (3) West End/Clingman Pedestrian Improvements.

City Engineer responded to various questions from Councilman Newman about sidewalk priorities.

City Engineer Cathy Ball responded to questions from Councilman Newman regarding sidewalks.

Budget Amendment for Fair Housing Assistance Program Grant

Summary: The consideration of a budget ordinance, in the amount of \$172,700, for the Fair Housing Assistance Program (FHAP) for Fiscal Year 2003-04.

The City has been carrying out its Fair Housing Program under contract with the Asheville-Buncombe Community Relations Council (ABCRC) and Fair Housing Commission since January 1988, using HUD FHAP funds. The City's Community Development Division serves as Lead Entity and monitors the program.

We have received notification of the grant awarded to the City for the federal fiscal year of 10/1/02-9/30/03. Staff has submitted the necessary paperwork to HUD. It is characteristic of this grant program that we receive notification of the grant amount at the end of the program year.

A budget ordinance amendment is required in order to receive these funds and subgrant them to ABCRC.

Community Development staff recommends adoption of the ordinance.

Mayor Worley asked that the record show that City Council has received this information and instructs the City Manager to place these items on the next formal City Council agenda.

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URBAN RIVERFRONT MASTER PLAN

Planning & Development Director Scott Shuford said that several years ago, the City contracted with RiverLink for the preparation of a master plan for the urban areas of the French Broad and Swannanoa rivers. Later, the scope for this plan was broadened to include what is now called the Wilma Dykeman Riverway concept.

Working with a large, broad-based group of citizens and with City staff, RiverLink has completed a draft Urban Riverfront Master Plan that envisions nodes of relatively dense urban development in a scenic riverfront setting. The plan capably marries land use, transportation, water quality, and economic development goals in a manner that implements City Sustainable Economic Development Task Force and Smart Growth objectives. Under the plan, the main road linking the two rivers will become a unified transportation corridor; economic development opportunities and strategies are identified and mapped out; and a land use pattern consistent with traditional development design throughout the City is encouraged. Additionally, environmentally sensitive restoration of the rivers to promote public access, recreation, and commerce is to be accomplished.

While there has been considerable public involvement to date, RiverLink continues to seek public input on the Urban Riverfront Master Plan and wants to receive preliminary feedback from City Council concerning the direction of the plan and any additional public input deemed appropriate by Council.

Ms. Karen Cragolin, Executive Director of RiverLink, updated City Council on the Urban Riverfront Master Plan. The goal of this plan is to create the vision, direction and foundation that will excite and motivate many people to place their bets in the riverway corridor. She explained the public process, identified facts of the French Broad River Watershed, and showed maps identifying the growth in the Swannanoa River Subwatershed. The Plan is for balance, economic development, transportation, health, environment, recreation and education. She showed the boundaries of the riverway project. The Riverway will be divided

up into seven districts: the Buncombe County Turnpike District, Cotton Mill District, River Arts District, Tannery District, Roundhouse District, Biltmore Village District, Donald Ross District, and WNC Nature Center District. She explained the market and economic development feasibility study that was performed. The estimated cost of the 17 mile plan is \$34 Million. Ms. Cragnolin then explained the economic and community impacts. She said that after additional public input, she will be bringing this Master Plan back to City Council for consideration of approval.

Ms. Cragnolin responded to various questions/comments from Council, some being, but are not limited to: how does this plan coincide with the West End/Clingman Avenue Area Plan; has contact been made with the Housing Authority regarding Hillcrest Apartments; has the Transportation Advisory Commission been involved in this plan; and is it realistic that this plan can be implemented.

On behalf of City Council, Mayor Worley thanked Ms. Cragnolin for her excellent presentation.

ANNUAL AUDIT REPORT

Finance Director Bill Schaefer said that this is the presentation of the City of Asheville annual audit report for the Fiscal Year Ended June 30, 2003.

City Council retained an independent audit firm, Crisp Hughes Evans LLP of Asheville, N.C., to perform an audit of the City of Asheville for the fiscal year ended June 30, 2003, as required by North Carolina General Statute 159-34. The auditors gave the City an unqualified

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audit opinion. (The term "unqualified" means that the auditors' opinion that the financial statements present fairly the financial position of the City is not modified by reservations or restrictions.)

Mr. Brian Broom, Director of Crisp, Hughes Evans LLP, gave a brief presentation of their findings. He said their report for the 2003 audit expresses an unqualified opinion (clean) on the fair representation of the general purpose financial statements in all material respects, in conformity with generally accepted accounting principles. This year the City was required to implement Government Accounting Standards Board Statement No. 34. As a result, the format of the financial statement has significantly changed. He then summarized some of the more significant changes. The Local Government Commission recommends governmental entities maintain, at a minimum fund balance equal to 8% of annual expenditures in the General Fund. The City's fund balance for 2003 is about 19%.

Mr. Broom and Mr. Schaefer answered various questions from Council regarding the financial report.

Councilwoman Jones asked for some way to monitor the budget, understanding why a mid-year report would not be accurate due to various reasons.

At 5:06 p.m., Vice-Mayor Mumpower left the meeting to attend the Buncombe County Commissioners meeting regarding Memorial Stadium.

At 5:15 p.m., Mayor Worley announced a short recess.

UDO AMENDMENT REVIEW

City Attorney Oast said that this Unified Development Ordinance amendment is being brought before City Council in order that staff may respond to questions Council may have prior to the public hearing, which has been scheduled on January 13, 2004. He advised Council that it would be inappropriate for Council to receive comments from the public at this worksession.

Add duplex uses as a use by right subject to special requirements in all single family districts, to eliminate this use as a conditional use in the same zoning districts, and to provide for revised parking requirements for triplex and quadraplex uses in single family zoning districts.

Planning & Development Director Scott Shuford said that this is the consideration of an amendment to the Unified Development Ordinance (UDO) to add duplex uses as a use by right subject to special requirements in all single family districts, to eliminate this use as a conditional use in the same zoning districts, and to provide for revised parking requirements for triplex and quadraplex uses in single family zoning districts.

This code amendment provides for administrative (staff) approval of duplex uses in all single family zoning districts. This code amendment has been under development for some time and City Council has asked staff to expedite its completion. Under the proposed amendment, duplex uses would go from being conditional uses to uses by right subject to special requirements. This amendment was originally proposed to include triplex and quadraplex uses as well, but meetings with a focus group of developer and neighborhood members resulted in this staff-recommended compromise. The following development standards would have to be met in order for staff to approve a duplex use:

- Separation requirements of 150 feet or 300 feet between such uses (depending on the zoning district), subject to block size provisions.

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- Minimum lot size requirements.
- Parking in the rear of the site, except in certain circumstances.
- Architectural design standards to ensure that duplex structures resemble single family homes in the neighborhoods in which they are located, including: door and window placement requirements; structure height limits; roof design, pitch and materials requirements; setback limits; and siding requirements.
- Infrastructure sufficiency determination.
- Property maintenance standards.

Duplex uses in single family zoning districts help promote the infill development and affordable housing goals of the City, while providing financial incentives for the development of infill lots. Going from a conditional use permit process that requires a minimum of two public hearings to a staff-administered design review process would greatly reduce the amount of time necessary for obtaining permits for construction of these uses, reducing development costs and uncertainty about approval.

This code amendment also provides for revised parking requirements for triplex and quadraplex uses in single family zoning districts. Council has directed staff to prepare an amendment to the code to provide parking flexibility for duplex, triplex and quadraplex uses in single family zoning districts. This has been accomplished in the proposed administrative standards for duplexes but an additional amendment is necessary for triplexes and quadraplexes.

The amendment has been routed to CREIA, the Affordable Housing Task Force of Asheville and Buncombe County, Coalition of Asheville Neighborhoods and Council of Independent Business Owners for review and comment.

On December 3, 2003, the Planning and Zoning Commission recommended approval of the proposed code amendment by a vote of 6-0. City staff recommends approval of the proposed code amendment.

Councilwoman Bellamy was concerned that we may be putting too many standards on the duplexes that they might not be affordable.

Discussion occurred about whether triplexes should be included in this amendment; on-street parking; the option of a petitioner going through this administrative process or going through the conditional use process, concern of distance between units and the way it is measured; reporting back to City Council in one year to see if the amendment is a good planning tool; whether the suggestions should go back to the focus group that worked on this amendment; whether some of the suggestions would need to be remanded back to the Planning & Zoning Commission; and to make sure that the requirements for a conditional use permit do not conflict with these requirements.

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13, 2004, formal City Council agenda.

It was the consensus to place this public hearing on the January

ANNEXATION UPDATE

Planning & Development Director Scott Shuford said that this is the consideration of resolutions stating the intent of the City to annex the Heritage Business Park area, the Honey Drive area, the Enka Park area, the Sand Hill/Oakview area, the Ashwood Area, the Heathbrook area, and the Sweeten Creek Road area.

It is now time for the City to initiate the next phase of annexations for 2004. Our annexation strategy has been to (1) select areas that are clearly developed; (2) include areas

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where water and sewer have been extended; (3) improve city limits by eliminating pockets and clarifying boundaries; and (4) disperse areas geographically. Staff has identified seven areas: Heritage Business Park, Honey Drive, Enka Park, Sand Hill/Oakview, Ashwood, Heathbrook, and Sweeten Creek Road with potential for being annexed. Under State law the City must follow a specific process for annexation that begins with the adoption of resolutions that describe the boundaries of the areas under consideration, and fix dates for a public informational meeting and a public hearing on the question of annexation. State law does allow simultaneous annexation of multiple non-adjacent areas.

Heritage Business Park – This area contains commercial and vacant lots. This contains nine lots totaling 12.63 acres. There is no estimated population. If the property is annexed, it would bring in \$7,591 in annual property tax revenue.

Honey Drive area – This area contains single-family residential. This contains seven lots totaling 4.4 acres. There is an estimated population of 13. If the property is annexed, it would bring in \$6,037 in annual property tax revenue.

Enka Park area – This area contains single-family residential and industrial. This contains 89 lot totaling 30.27 acres. The estimated population is 170. If the property is annexed, it would bring in \$39,257 in annual property tax revenue.

Sand Hill Road/Oakview Road – This area contains single-family residential and condominiums. This contains 340 lots totaling 173.86 acres. The estimated population is 621. If the property is annexed, it would bring in \$195,761 in annual property tax revenue.

Ashwood Area – This area contains single-family residential and mobile homes. This contains 56 lots totaling 14.35 acres. The estimated population is 113. If the property is annexed, it would bring in \$30,881 in annual property tax revenue.

Heathbrook Area – This area contains single-family residential. This contains 23 lots totaling 4.43 acres. The estimated population is 47. If the property is annexed, it would bring in \$27,956 in annual property tax revenue.

Sweeten Creek Road Area – This area contains single-family residential, condominiums and multi-family residential, and commercial. This contains 190 lots totaling 74.86 acres. The estimated population is 545. If the property is annexed, it would bring in \$140,303 in annual property tax revenue.

The following steps and dates meet the process required by State law:

Council Adoption of Resolutions of Intent	January 13, 2004
Council Adoption of Plans of Services	January 27, 2004
Staff-Sponsored Public Informational Meeting	March 4, 2004
City Council Public Hearings	March 23, 2004
Council Adoption of Annexation Ordinances	April 13, 2004
Effective Date of Annexations	June 30, 2004

City staff recommends that City Council adopt the resolutions of intent stating the City's intent to annex the Heritage Business Park area, the Honey Drive area, the Enka Park area, the Sand Hill/Oakview area, the Ashwood area, Heathbrook area, and the Sweeten Creek Road area.

Mr. Pettibone responded to questions from Council about industrial sites and why the City doesn't annex to the north of Colony Drive.

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Mayor Worley asked that the record show that City Council has received this information and instructed the City Manager to place this item on the next formal City Council agenda.

SETTING PUBLIC HEARING ON FEBRUARY 10, 2004, TO CLOSE A PORTION OF AN UNOPENED ALLEY OFF FOREST STREET

Assistant Public Works Director David Cole said that this is the consideration of a resolution of intent to close a portion of an unopened unnamed alley off Forest Street and setting a public hearing on February 10, 2004.

N. C. Gen. Stat. sec. 160-299 grants cities the authority to permanently close streets and alleys without regard to whether they have actually been opened.

Pursuant to this statute, the adjoining property owners have requested the City of Asheville close a portion of an unopened unnamed alley off Forest Street, the entry of which is located approximately 165 feet east of the intersection of Forest Street and Hendersonville Road (US Hwy 25).

Public Works Department staff has researched and determined that this alley is not a City maintained street and is not in use as a means of ingress or egress for any of the properties abutting the alley. There are three lots that abut this portion of the unnamed alley. They are identified by PIN Nos. 9647.20-90-3952; 9647.20-90-5910; and 9647.20-91-4067.

The developer has agreed to preserve a 17-foot easement to connect future utilities.

City staff recommends that City Council adopt the resolution of intent setting a public hearing for February 10, 2004 to close a portion of an unopened unnamed alley off Forest Street.

Mayor Worley asked that the record show that City Council has received this information and instructed the City Manager to place this item on the next formal City Council agenda.

OTHER BUSINESS

Councilwoman Jones said that a new radio station (WRES-FM) will broadcast information for minority and low-income communities in and around the downtown area of the City. They will offer programming relating to homeownership, employment, credit establishment, entrepreneurship, and other subjects that will enhance the quality of life for those who listen. She felt that this would be an excellent tool for reaching out to people who many not be reached through our mainstream communications. They have raised \$15,500 and have a good solid diverse base of funders. She felt the City of Asheville should be a part of the success story of the radio station and asked City Council to consider funding \$4,500 as a one-time start-up cost to WRES-FM to cover the cost of a remote unit and console.

Although Vice-Mayor Mumpower felt this was a good concept, he felt this should be referred to the Outside Agency Committee for their recommendation. Personally he didn't think the City should be investing our tax dollars to fund an effort of this nature and that it would be setting a precedent.

Mayor Worley asked that the record show that City Council has received this information and instructed the City Manager to place this item on the next formal City Council agenda.

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CLOSED SESSION

At 6:26 p.m., Councilman Davis moved to go into closed session to discuss matters relating to the location or expansion of industries or other businesses in the area served by the City Council, including agreement on a tentative list of economic development incentives that may be offered in negotiations, provided that any action authorizing the payment of economic development incentives will occur in open session. The statutory authority is contained in G. S. 143-318.11 (a) (4). This motion was seconded by Councilwoman Bellamy and carried unanimously.

At 6:50 p.m., Councilwoman Bellamy moved to go out of closed session. This motion was seconded by Councilwoman Jones and carried unanimously.

ADJOURNMENT:

Mayor Worley adjourned the meeting at 6:50 p.m.

CITY CLERK

MAYOR

