

RESOLUTION NO. 2023-04

**A RESOLUTION IDENTIFYING THE CITY OF BREVARD'S REQUESTS FOR
THE 2023 SESSION OF THE NORTH CAROLINA GENERAL ASSEMBLY**

WHEREAS, the biennial "long-session" of the North Carolina General Assembly is scheduled to convene in January 2023; and

WHEREAS, during the "long-session" the North Carolina General Assembly develops the state's biennial budget, and considers new legislation; and

WHEREAS, in North Carolina, the General Assembly endows municipalities with their powers; and

WHEREAS, in North Carolina, the General Assembly may grant state funding to municipalities to fund projects of local concerns; and

WHEREAS, for those reasons and others it is in municipalities best interest to maintain positive working relationships with their legislators and make clear their needs; and

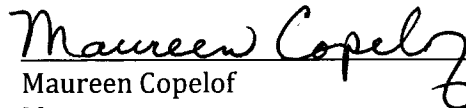
WHEREAS, on January 3, 2023 the Brevard City Council discussed in open session a list of legislative requests that they feel will enable them to better serve the people of Brevard and Transylvania County

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT:

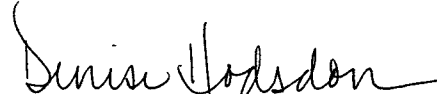
- 1) The "City of Brevard's 2023 Legislative Request" document, incorporated by reference, is hereby respectfully submitted to the North Carolina General Assembly for their consideration; and
- 2) The City Manager is instructed to submit, in a form acceptable to its recipients, its contents to Rep. Mike Clampitt (NC-119), Sen. Kevin Corbin (NC-50), and other appropriate parties.

Approved and adopted this 3rd day of January, 2023.




Maureen Copelof
Mayor

ATTEST:


Denise Hodsdon, CMC
City Clerk

City of Brevard Legislative Requests

FUNDING REQUESTS

\$300,000 for Davidson River Pedestrian Bridge

Resubmission of a \$300,000 earmark request to support the construction of a 125' pedestrian bridge over the Davidson River in conjunction with the North Carolina Department of Transportation (TIP EB-5858). This request was originally submitted to Rep. Jake Johnson in August 2022.

The original \$600,000 project ballooned in cost due to inflation and the requirement to perform recovery archaeology at the site. The cost is now over \$2M. FHWA/DOT has agreed to the extra cost for their portion, but the increase to the city's 20% matching portion made the project unaffordable for us.

\$65M for Wastewater Treatment Plant Process and Capacity Upgrades

Request a \$65M earmark for wastewater treatment plant process and capacity upgrades. This request is based on estimates created by CDM Smith in 2014 for treatment process updates, and estimates created by staff in 2022 for capacity enhancements. It is an "order-of-magnitude" figure and will likely change once the city completes its 80/20 engineering work.

The city's WWTP is deficient in two ways: it uses antiquated treatment technology, and it is running out of capacity. Though neither of these deficiencies prevent it from providing adequate service now, the plant in its current state is not adequate to support future growth or meet growing regulatory demands.

The State of North Carolina has a vested interest in the health of Brevard's WWTP. The city is home to a growing cluster of pharmaceutical and brewing businesses, both of which produce high strength waste water that taxes the WWTP in its current configuration. The state has committed to an investment grant for a pharmaceutical company's expansion that presumes access to municipal wastewater treatment. An up-to-date WWTP is, therefore, a critical component of the region's economic competitiveness.

\$3M for Azalea/Rhododendron Sewer Extension

Request a \$3M earmark for expansion of the city's sewer infrastructure to the unincorporated Azalea/Rhododendron neighborhood to serve residents with failing septic systems.

The city currently has a \$2,287,367 award from the state's Clean Water State Revolving Fund for this project, but the award is nearly 80% low-interest loan, which means the city would have to take on nearly \$1.8M in debt to pay for the project. This is not economically feasible for the city, as the customer base would be too low to pay back the loan from new rate payers alone.

The city's initial request to have the award changed from loan to grant was denied in August 2022. The city has reapplied for an all-grant award, but an earmark would expedite the process.

POLICY REQUESTS

Amend NCGS 160D-1316

Request legislation that would permit municipalities to support the creation of workforce housing serving beneficiaries having incomes of up to 120% AMI.

NCGS 160D-1316 enumerates the power local governments are permitted to exercise with regard to support of low- and moderate-income housing. These powers, however, are limited to housing programs serving families with incomes of up to 80% of the Area Median Income (AMI).

For Brevard, where buildable land is scarce and construction costs are high, developers find it hard to make the numbers work for projects serving <80% AMI even with public support. When housing supply is limited at all price points, as it is in Brevard, any development will ease the pressure.

Therefore, it is Brevard's belief that municipalities ought to be permitted to use their tools where they might actually bear fruit. By allowing public support of housing project serving residents with

incomes up to 120% AMI, cities like Brevard can give the private market the nudge it needs to boost housing supply.

Oppose legislation that limits local authority over zoning.

This request reiterates a similar request City Council made in April 2021. At that time, Council passed a resolution opposing SB 349 and HB 401, bills that limited local authority over zoning. Those bills did not pass through the NCGA at the time, but their component pieces are expected to reemerge in proposals in the upcoming session.

Although bills limiting local authority over zoning will be couched in the language of providing housing opportunity, it is Brevard's belief that statewide development standards can't accommodate specific local circumstances, and will have unintended consequences affecting public health and safety.

What's more, Brevard is voluntarily reviewing its zoning regulations to make sure they do not unduly inhibit the creation of housing, making legislation unnecessary.

Consider legislation that opens policies and funding sources currently reserved for economic development activities to be used for the provision of affordable housing

For example, occupancy tax proceeds, JDIG, or GoldenLEAF grants.