



Town of Woodfin

90 Elk Mountain Road
Woodfin, NC 28804
PH: (828) 253-4887
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Resolution: 2024-03

Passed _____

WHEREAS, the Town of Woodfin is a permit holder under the Municipal Separate Storm Sewer System (MS4) program created under the Clean Water Act;

WHEREAS, the Town's MS4 permit obligates it to perform a number of tasks intended to improve water quality within the Town including, without limitation: (1) reviewing development plans to ensure they include adequate stormwater quantity and quality controls, (2) employing staff to investigate instances of illicit discharges into the public waterways, (3) constructing and maintaining stormwater infrastructure, and (4) providing educational programming regarding means of improving water quality to the community in Woodfin;

WHEREAS, the Town receives no federal or state funding in relation to its MS4 permit, making the obligations imposed thereunder an unfunded mandate;

WHEREAS, in recognition of the unfunded mandate imposed on municipalities by the MS4 program, the North Carolina General Assembly has adopted North Carolina General Statute § 160A-314(a1), which authorizes the assessment and collection of stormwater utility fees;

WHEREAS, under North Carolina General Statute § 160A-314(a1)(4), certain municipalities in the State have been granted the option of including their stormwater utility fees on property owners' annual tax bill;

WHEREAS, municipalities not included in the provisions of North Carolina General Statute § 160A-314(a1) (4) experience lower rates of payment on their stormwater utility fees, necessitating the imposition of higher overall stormwater fees in order to meet the funding requirements of their MS4 programs;

WHEREAS, residents in the Town of Woodfin receive water and sewer services through independent utilities established by the General Assembly, which bill customers directly. Moreover, the services directly provided by the Town to its residents (i.e. trash collection) are offered fee-free, meaning that the Town does not have any means of including its stormwater utility fee in a bill already transmitted to its residents;

WHEREAS, Woodfin assumed an eighty-five percent (85%) collection rate when setting the amount of its stormwater fees;

WHEREAS, Woodfin’s actual rate of collection for its stormwater fee to date stands at eighty-six percent (86%) percent, and

WHEREAS, the Town of Woodfin would be able to cut, and would cut, the overall rate of its stormwater fee by a minimum of 14% if it receives the authority contained in North Carolina General Statute § 160A-314(a1)(4), which has already been granted to ten other municipalities within the State.

NOW THEREFORE, the Town Council of the Town of Woodfin respectfully requests that the members of its local delegation to the General Assembly submit a local bill for consideration by that body, adding Woodfin to the list of municipalities included in North Carolina General Statute § 160A-314(a1) (4).

Section 1: The Town Manager is further directed to transmit electronically and via first class mail a copy of this resolution along with supporting information (as applicable), to members of Woodfin’s local delegation.

Section 2: This Resolution shall become effective upon its adoption and approval.

Adopted: 03/19/2024

Effective: 03/19/2024

Ayes _____

Nays _____

Abstains _____

James C. McAllister
Mayor

Attest:

Gena Powers
Town Clerk