

October 9, 2012– Regular Session

The Swain County Board of Commissioners held a Regular Session on October 9, 2012. Present were Chairman Carson, Commissioner Moon, Commissioner Dixon and Commissioner Monteith.

Chairman Carson called the regular session to order and led the pledge of allegiance.

Adjust Agenda

Commissioner Monteith made a motion to adjust the agenda to better facilitate the meeting. Vice-Chair White seconded the motion. A vote was unanimous.

Vice-Chair White made a motion to add

Approval of Minutes

Commissioner Dixon made a motion to approve minutes of the September 10 work session, September 10 regular session, September 14 special session, September 25 public hearing and September 25 work session. Commissioner Moon seconded the motion. A vote was unanimous.

Tax Collector’s Report

Peggy Hyde presented a report to the Board for the month of September, 2012. Ad-Valorem tax receivable was reported at \$4,609,359.15. There was \$460,615.79 collected for the month. Total collections year to date were \$1,974,340.67. The tax collection percentage year to date was 36.05%. Total releases were \$1,716.36, total discoveries were \$135,718.95 and total refunds were \$143.21. Commissioner Dixon made a motion to approve the Tax Collector’s report as presented. Commissioner Monteith seconded the motion. A vote was unanimous.

Finance Officer's Report

Dean Kowal, Finance Officer, presented a report to the Board for September, 2012. Mrs. Kowal report revenues for the month were \$1,567,943.37. Total revenue year to date is \$4,607,105.06. We have approximately 33.08% of revenues for 2012/2013 fiscal year. Expenditures for the month were \$1,798,147.29. Year to date we have expended \$4,051,566.02. We have paid out approximately 29.09% of the General Fund appropriations for 2012/2013 fiscal year. Commissioner Monteith made a motion to approve the Finance Report as presented. Commissioner Moon seconded the motion. A vote was unanimous.

Action Items

Schedule of Values: TABLED

NCDOT Secondary Roads Resolution: Commissioner Dixon made a motion to approve the following resolution:

The Board of Commissioners for the County of Swain, North Carolina, met in regular session at the Swain County Regional Business Education and Training Center, 45 East Ridge Drive, in Bryson City, NC, the usual place of meeting, at 6:00 PM, on October 9, 2012.

Present: Phil Carson, Robert White, David Monteith, Donnie Dixon, Steve Moon

Absent:

Chairman **Phil Carson**, introduced representatives of the Department of Transportation and a resolution recommending a program of total needs for Secondary Road improvements in **Swain** County. This program details the proposed expenditure of Secondary Road Funds for the period **Fiscal Year 2013**. The proposed program recommends that the funds be expended in the following manner, **subject to availability of funding, right-of-way, and environmental review:**

Fiscal Year 2013 Funds: \$191,681
Prior Year Unprogrammed Funds: \$668,000
Total Available Funds: \$859,681

<u>ELEMENT</u>	<u>AMOUNT</u>	<u>PERCENT</u>
Secondary Road Improvements (See attached list)		
Highway Fund	\$ 510,000	
Subtotal	\$ 510,000	59.3%

Preliminary Engineering		
Surveying and Right of Way Acquisitions		
Highway Fund	\$ 19,168	
Subtotal	\$ 19,168	2.2%
Spot Stabilization		
Trust Fund	\$ 38,336	
Subtotal	\$ 38,336	4.5%
Safety Improvements, Curve Widening, Drainage Improvements, Road Additions, etc.		
Highway Fund	\$ 3,834	
Subtotal	\$ 3,834	0.4%
Safety Signage		
Highway Fund	\$ 1,917	
Subtotal	\$ 1,917	0.2%
AST Strengthening		
Highway Fund	\$ 7,464	
Trust Fund	\$ 278,962	
Subtotal	\$ 286,426	33.4%
<u>TOTALS</u>	\$ 859,681	100%

Commissioner Dixon moved that the foregoing resolution and attached program of total needs for Secondary Roads in Swain County be approved.

Ayes: 5

Noes: 0

I, Cindi C. Woodard Clerk to the Board of Commissioners for the County of Swain, North Carolina, **DO HEREBY CERTIFY** that the foregoing is a true copy of so much of the proceedings of the Board of Commissioners for said County at a meeting held October 9, 2012, as relates in any way to Secondary Road Funds for expenditure in said county, and that said proceedings are recorded in Minute Book 14 of the minutes of said Board, beginning at page 847 and ending at 847.

WITNESS my hand and official seal of said county, this ____ day of _____, 20__.

Clerk to the Board of Commissioners

Commissioner Monteith seconded the motion. A vote was unanimous.

Resolution-LGC Financing Documents: Vice-Chair White made a motion to approve the following resolution:



Resolution #930-2012-01

**NORTH CAROLINA
COUNTY OF SWAIN**

RESOLUTION

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20

WHEREAS, the County of Swain of Bryson City, North Carolina desires to engage in a financing contract of which proceeds will purchase a 52,000 square foot Industrial Facility, construct a turntable and purchase and refurbish a 1942 Baldwin Steam engine (the "Project") to better serve the citizens of Swain County; and

WHEREAS, The County desires to finance the Project by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Swain County, North Carolina, meeting in regular session on the 9th day of October, 2012, make the following findings of fact:

1. The proposed contract is necessary or expedient because the County has negotiated a purchase contract with the owners of the proposed contract and the economic benefit of the project is needed.
2. The proposed contract is preferable to a bond issue for the same purpose because the County cannot get any better terms or rate for the amount of money borrowed.
3. The cost of financing under the proposed contract is less than the cost of issuing a general obligation bond.
4. The sums to fall due under the contract are adequate and not excessive for the proposed purpose.
5. The County of Swain's debt management procedures and policies are good because the County has followed all the laws associated with the installment purchase agreement.
6. The increase in taxes necessary to meet the sums to fall due under the proposed contract will be 0 cents per \$100 valuation.
7. The County of Swain is not in default in any of its debt service obligations.
8. The attorney for the County of Swain has rendered an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

NOW, THEREFORE, BE IT FURTHER RESOLVED that Finance Officer is hereby authorized to act on behalf of the County of Swain in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

This resolution is effective upon its adoption this _____ day of _____, 20____.

The motion to adopt this resolution was made by _____, seconded by _____ and passed by a vote of _____ to _____.

Chairman, Board of Commissioners _____

ATTEST:

Clerk

This is to certify that this is a true and accurate copy of Resolution No. _____ Adopted by the Swain County Board of Commissioners on the 9th day of October 2012.

[Clerk/Secretary] _____ Date

Commissioner Dixon seconded the motion. A vote was unanimous.

Budget Amendment #4: Commissioner Monteith made a motion to approve the following Budget Amendment:

SWAIN COUNTY - BUDGET AMENDMENT #4

BE IT ORDAINED by the Governing Board of the County of Swain, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2013:

SECTION 1. For the purpose of amending the adopted budget to reflect the following changes:

<u>Description</u>	Inc. Expenditures or Dec. Revenues	Inc.Revenues or Dec. Exp.
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General Fund

Administration

Contracted Service	45,000	
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Building and Grounds

Business Center	95,000	
Courthouse Project		450,000

General Fund Revenues

Con-Met Grant (Robot)		20,000
Community Services of Swain		25,000
Sales Tax Reimbursement		65,000
Transfer from Capital Reserve		30,000
Transfer from Historical Museum Project		50,000
Financing Proceeds	<u>500,000</u>	
Total	640,000	640,000

Historical Museum Fund

Expenses

Construction	700,000	
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Revenue

Financing Proceeds		600,000
Great Smoky Mountain Association		<u>100,000</u>
Total	700,000	700,000

As Clerk of the Board, I certify this budget amendment was approved by the Swain County Board of Commissioners in a Regular Session on October 9, 2012

Cindi Woodard, Clerk to the Board

Commissioner Dixon seconded the motion. A vote was unanimous.

Audit report: Eric Bowman presented the audit report to the Board. Commissioner Monteith made a motion to approve the 2012 Audit Report as presented. Vice-Chair White seconded the motion. A vote was unanimous.

DOT Resolutions: Commissioner Dixon made a motion to approve the following three resolutions to be forwarded to NCDOT:



**STATE OF NORTH CAROLINA
COUNTY OF SWAIN**

Resolution # 900-2012-15

RESOLUTION REQUESTING NC DEPARTMENT OF TRANSPORTATION
TO ALLOCATE FUNDS FOR A BUS ENTRANCE AT SWAIN WEST ELEMENTARY
SCHOOL

After further discussion and review, upon a motion of _____, seconded
by _____ and, upon being put to a vote, was carried
_____, the Commissioners approved the following resolution:

WHEREAS, Swain County Schools has requested assistance from the Swain County Board of Commissioners in constructing a bus entrance to Swain West Elementary School; and

WHEREAS, the Swain County School System and NC DOT representatives have determined that the traffic pattern at Swain West Elementary School are hazardous during peak times of the school day; and

WHEREAS, the Swain County Board of Commissioners feel there is a need for the NC DOT to fix this problem to better serve the citizens of Swain County; and

NOW THEREFORE, BE IT RESOLVED: that the Swain County Board of Commissioners formally request NC Department of Transportation to allocate the necessary funds to construct a bus entrance at Swain West Elementary School to better serve the needs of the citizens of Swain County.

This the 9th day of October, 2012

Phil Carson, Chairman
Swain County Commissioners

Attest:

Cindi C. Woodard, Clerk to the Board



Resolution # 900-2012-18

**STATE OF NORTH CAROLINA
COUNTY OF SWAIN**

RESOLUTION REQUESTING NC DEPARTMENT OF TRANSPORTATION
TO ALLOCATE FUNDS FOR BIKE LANE BETWEEN BRYSON CITY AND A ONEWAY
OUT LANE FOR BUSES AT SWAIN COUNTY HIGH SCHOOL

After further discussion and review, upon a motion of _____, seconded
by _____ and, upon being put to a vote, was carried
_____, the Commissioners approved the following resolution:

WHEREAS, Swain County Schools has requested assistance from the Swain County Board of Commissioners in constructing a bus exit to Swain County High School and construct a bike path or sidewalk from Bryson City to the Swain County High School; and

WHEREAS, the Swain County School System representatives have determined the need for the additional exit from school grounds to new Fontana road to better manage the traffic pattern at Swain County High School; and

WHEREAS, the Swain County Board of Commissioners feel there is a need for a bike lane or sidewalk to be located between Bryson City and the Swain County High School to eliminate the hazard of children walking in the shoulder of the highway;

NOW THEREFORE, BE IT RESOLVED: that the Swain County Board of Commissioners formally

request NC Department of Transportation to allocate the necessary funds to construct a an exit lane at Swain County High School and construct a bike lane from Swain County High School to Bryson City to better serve the needs of the citizens of Swain County.

This the 9th day of October, 2012

Phil Carson, Chairman
Swain County Commissioners

Attest:

Cindi C. Woodard, Clerk to the Board



Resolution # 900-2012-17

**STATE OF NORTH CAROLINA
COUNTY OF SWAIN**

**RESOLUTION REQUESTING NC DEPARTMENT OF TRANSPORTATION
TO ALLOCATE FUNDS FOR A SECONDARY ENTRANCE TO SWAIN EAST
ELEMENTARY SCHOOL**

After further discussion and review, upon a motion of _____, seconded by _____ and, upon being put to a vote, was carried _____, the Commissioners approved the following resolution:

WHEREAS, Swain County Schools has requested assistance from the Swain County Board of Commissioners in constructing a secondary entrance to Swain County East Elementary School; and

WHEREAS, the Swain County School System representatives have determined the need for the additional entrance from school grounds to Hwy 19 to better manage the traffic pattern at Swain County East Elementary School; and

NOW THEREFORE, BE IT RESOLVED: that the Swain County Board of Commissioners formally request NC Department of Transportation to allocate the necessary funds to construct a an entrance to Swain County East Elementary School to better serve the needs of the citizens of Swain County.

This the 9th day of October, 2012

Phil Carson, Chairman
Swain County Commissioners

Attest:

Cindi C. Woodard, Clerk to the Board
Commissioner Moon seconded the motion. A vote was unanimous.

Adjournment

Commissioner Dixon made a motion to adjourn. Commissioner Monteith seconded the motion. A vote was unanimous.

Respectfully Submitted,

Cindi C. Woodard

Phil Carson