

**April 11, 2019– Regular Session**

The Swain County Board of Commissioners held a Regular Session on April 11, 2019 Present were Chairman Bushyhead, Vice-Chair Burns, Commissioner Parton, Commissioner Parsons and Commissioner Seagle.

Chairman Bushyhead called the regular session to order. Joe “Gunner” Vasquez led the Pledge of Allegiance.

**Adjust Agenda**

Vice-Chair Burns made a motion to adjust the agenda as needed. Commissioner Parsons seconded the motion. A vote was unanimous.

**Finance Officer's Report**

Dean Kowal presented the Finance Officer’s report for March 2019. Revenues for the month were \$1,625,610.64. Total revenue year to date is \$12,574,083.56. We have approximately 50.83% of revenues for 2018/2019 fiscal year. Expenditures for the month were \$866,080.24. Year to date we have expended \$11,013,757.99. We have paid out approximately 44.53% of the General Fund appropriations for 2018/2019 fiscal year. Commissioner Parsons made a motion to approve the Finance Officer’s Report as presented. Commissioner Seagle seconded the motion. A vote was unanimous.

**Tax Collector’s Report**

Tabled until the next regular session.

**Budget Amendment**

Commissioner Seagle made a motion to approve the following:

**SWAIN COUNTY - BUDGET AMENDMENT #9**

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, 2019:

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.
<b><u>General Fund</u></b>		
Recreation	10,000	
Rescue Squad	30,000	
Soil and Water- Storage	12,000	
 <b><u>General Fund Revenues</u></b>		
TDA		22,000
Transfer from Public Safety		30,000
<b>Total</b>	<b>406,000</b>	<b>406,000</b>

As Clerk of the Board, I certify the Swain County Board of Commissioners in a Regular Session approved this budget amendment on April 14, 2019.

\_\_\_\_\_  
Cindi Woodard, Clerk to the Board

**Public Comments:** None

**Action Items**

- Approval of Minutes: Vice-Chair Burns made a motion to approve minutes of the March 14 public hearing, March 14 regular session and March 28 work session. Commissioner Parton seconded the motion. A vote was unanimous.

-Approval of financing resolution: Commissioner Parsons made a motion to approve the following:



**Resolution #930-2019-01**

**NORTH CAROLINA  
COUNTY OF SWAIN**

**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 for 2,600,000 of which proceeds will construct new buildings on the campus of the Swain County High School (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 11th day of April, 2019, make the following findings of fact:

1. The proposed contract is necessary or expedient because the County has been awarded a grant for the majority of the project by the NC Department of Public Instruction and the requirement of the grant is that the project be started no later than August 1<sup>st</sup>, 2019.
2. The proposed contract is preferable to a bond issue for the same purpose because the County does not have enough unappropriated fund balance to pay for the facility and the rates for the installment purchase are competitive with a general obligation or revenue bond.
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 because the County received a grant for 64% of the project expected cost.
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 11<sup>th</sup> day of April, 2019.

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

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Ben Bushyhead, Chairman  
Swain County Commissioners

ATTEST:

\_\_\_\_\_  
Cindi C. Woodard, Clerk  
Swain County Commissioners

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 11th day of April, 2019.

\_\_\_\_\_  
[Clerk/Secretary]

\_\_\_\_\_  
Date

Commissioner Seagle seconded the motion. A vote was unanimous.

-County Management/Tax Administration/Health Department Records Retention and Disposition Schedule: Vice-Chair Burns made a motion to approve these schedules as mentioned in accordance with the provision of Chapters 121 and 132 of the General Statutes of North Carolina. Commissioner Seagle seconded the motion. A vote was unanimous.

-Approval of a resolution opposing the actions of Senator Graham, Senator Burr and Senator Tillis for the Catawba Indian Nation Casino in North Carolina: Commissioner Parsons made a motion to approve the following:



**NORTH CAROLINA  
COUNTY OF SWAIN**

**Resolution #900-2019-04**

**RESOLUTION OPPOSING THE ACTIONS OF SENATOR GRAHAM (R-S.C.),  
SENATOR BURR (R-N.C.), AND SENATOR TILLIS (R-N.C.) FOR THE CATAWBA  
INDIAN NATION CASINO IN NORTH CAROLINA**

**WHEREAS**, Swain County is a county located in Western North Carolina; and

**WHEREAS**, Swain County has been classified as economically transitional on the Appalachian Regional Commission (ARC) economic classification system and been classified as an economically distressed or Tier 1 county in the State of North Carolina economic classification system for the past decade; and

**WHEREAS**, the Eastern Band of Cherokee Indians owns and operates Harrah's Cherokee Casino Resort in Cherokee, North Carolina, and Harrah's Cherokee Valley River in Murphy, North Carolina (collectively referred to as "Cherokee casino resorts"), which are located in Jackson and Cherokee Counties in Western North Carolina; and

**WHEREAS**, the Cherokee casino resorts had an estimated economic impact of \$750 million in North Carolina in 2018; and

**WHEREAS**, the Cherokee casino resorts are directly responsible for five percent (5%) of the employment, approximately 3,069 employees, in the far six Western Counties of North Carolina, 714 direct employees in Swain County employed by Harrah's Casino and an estimation of 357 ancillary employees ; and

**WHEREAS**, the Cherokee casino resorts are indirectly responsible for an additional 500 jobs for Swain County citizens; and

**WHEREAS**, directly and indirectly, the Cherokee casino resorts have reduced the historically high unemployment rate in Swain County; and

**WHEREAS**, the Cherokee casino resorts are responsible for bringing in approximately 5.2 million visitors to Western North Carolina each year; and

**WHEREAS**, S. 790, a bill to authorize the Catawba Indian Nation from South Carolina to build a casino in North Carolina, was introduced in the United States Senate on March 19, 2019; and

**WHEREAS**, S. 790 would permit the Catawba Indian Nation to operate an off-reservation casino with electronic games without entering into revenue sharing agreements with the State of North Carolina; and

**WHEREAS**, revenues from a Catawba Indian Nation casino in North Carolina would be felt in South Carolina where the Catawba Indian Nation is located; and

**WHEREAS**, the establishment of a Catawba Indian Nation casino in North Carolina under S. 790 would result in fewer jobs offered by the Cherokee casino resorts and the Eastern Band of Cherokee Indians Tribal operations, thereby affecting the unemployment rate in Western North Carolina, and Swain County; and

**NOW THEREFORE BE IT RESOLVED**, that Swain County opposes S. 790, a bill that would permit the Catawba Indian Nation in South Carolina to open a gaming facility in North Carolina, and threaten the well-being of citizens and small business owners in Swain County and all Western North Carolina and;

**BE IT FURTHER RESOLVED**, that Swain County shall make its opposition known to North Carolina Senators Richard Burr and Thom Tillis and members of the Senate Indian Affairs Committee, and requests the North Carolina Senators to withdraw their support of S. 790.

#### **CERTIFICATION**

This resolution was unanimously passed on April 14, 2019, by Swain County Commissioners.

\_\_\_\_\_  
Ben Bushyhead  
Chairman

\_\_\_\_\_  
Danny Burns  
Vice-Chairman

\_\_\_\_\_  
Kenneth Parton-Member

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Roger Parsons- Member

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Kevin Seagle- Member

\_\_\_\_\_  
Cindi Woodard- Clerk to the Board  
Vice-Chair Burns seconded the motion. A vote was unanimous.

#### **County Manager's Report**

Kevin King gave an update on:  
-The Governor's visit to the Nantahala Outdoor Center  
-USDA financing process  
-Proposed changes to the EMS fee schedule

#### **Commissioner Reports**

Danny Burns: Library meeting – moving forward with fundraising process, broadband meeting has been rescheduled, participated in the walk study assessment from Swain Middle School

Kevin Seagle:-Landslides: Lands Creek will be completed in 2 weeks, Jenkins Branch is stabilized and on US 74 the crack in the highway is being repaired  
-Structures are going up at the Sanitation Department, they've been down three employees  
-Construction will begin next week on the foundation of the new multi-purpose building at the Swain County High School

Kenneth Parton: Met with Personnel Committee

Roger Parsons: Giving Spoon served 50-75 Thursday from 4:00 pm – 6. The fundraiser brought in \$1,735, March 18 – scheduled meeting with Four Square interim director

Ben Bushyhead: Discussed Needmore Road with the NCDOT who are addressing issues caused by all the rain.

**Closed Session**

None

**Adjournment**

Commissioner Parsons made a motion to adjourn. Commissioner Parton seconded the motion. A vote was unanimous.

Respectfully Submitted,

Cindi C. Woodard  
Clerk to the Board  
Swain County Commissioners

Ben Bushyhead  
Chairman  
Swain County Commissioners