

May 9, 2019– Regular Session

The Swain County Board of Commissioners held a Regular Session on May 9, 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 April 2019. Revenues for the month were \$787,476.89. Total revenue year to date is \$13,361,560.45. We have approximately 54.01% of revenues for 2018/2019 fiscal year. Expenditures for the month were \$1,243,653.78. Year to date we have expended \$12,249,884.31. We have paid out approximately 49.52% of the General Fund appropriations for 2018/2019 fiscal year. Vice-Chair Burns made a motion to approve the Finance Officer’s Report as presented. Commissioner Parton seconded the motion. A vote was unanimous.

Tax Collector’s Report

Peggy Hyde gave the Tax Collector’s report to the Board for the months of March and April 2019. Ad-Valorem tax receivable for March was \$5,681,839.60 and for April it was reported at \$5,682,963.50. There was \$303,187.38 collected for the month of March and \$105,048.96 for April. Total collections year to date for March was \$6,236,496.03 and for April it was \$6,341,544.99. The tax collection percentage year to date for March was 96.50% and for April it was 97.64%. For March, total releases were \$1,167.62, total discoveries were \$0 and total refunds were \$2,605.11. For April, total releases were \$78.96, total discoveries were \$1,310.83 and total refunds were \$344.49

Commissioner Parsons made a motion to approve the March report as submitted. Commissioner Parton seconded the motion. A vote was unanimous.

Vice-Chair Burns made a motion to approve the April report as submitted. Commissioner Parsons seconded the motion. A vote was unanimous.

Budget Amendment

Commissioner Seagle made a motion to approve the following:

SWAIN COUNTY - BUDGET AMENDMENT #10

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.
<u>General Fund</u>		
Recreation	10,000	
Rescue Squad	30,000	
Soil and Water- Storage	12,000	
Jail-Camera Upgrade	75,000	
EMS- Operational	35,000	
Forest Receipts- Trans to School	8,000	
Building and Grounds	25,000	
<u>General Fund Revenues</u>		
TDA		22,000
Forest Receipts		8,000
EMS Fees		35,000
Financing Proceeds		100,000
Transfer from Public Safety		<u>30,000</u>
Total	<u>195,000</u>	195,000

As Clerk of the Board, I certify the Swain County Board of Commissioners in a Regular Session approved this budget amendment on May 9, 2019.

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

Public Comments: Charlene Hogue invited everyone to the 25th Annual Heritage Festival Saturday May 25th and asked them to consider special recognition at the event for Linda Hogue and David Sawyer who have been a part of the Festival for 25 years.

Action Items

- Approval of Minutes: Vice-Chair Burns made a motion to approve minutes of the April 11 public hearing, April 11 regular session and April 25 work session. Commissioner Seagle seconded the motion. A vote was unanimous.

-Congregations 4 Children's request for funds: Linda Dills gave an update on C4C and requested \$1,000 to be used to purchase books for all the students in grades K-5 at Swain East and West Elementary Schools to use at home in the summer. Commissioner Seagle made a motion to approve this request. Commissioner Parsons seconded the motion. A vote was unanimous.

-Ela Sewer District Creation Resolution: Vice-Chair Burns made a motion to approve the following:



**Swain County
North Carolina**

Resolution 900-2019-07

**RESOLUTION BY SWAIN COUNTY BOARD OF COMMISSIONERS
CREATING THE ELA COMMUNITY WATER AND SEWER DISTRICT**

WHEREAS, The Swain County Board of Commissioners finds:

That there is a demonstrable need for providing sewer services to the Swain County community known as Ela; and

That the residents of all the territory to be included in the Ela Sewer District will benefit from the district's creation; and

That it is economically feasible to provide the proposed service or services in the district without unreasonable or burdensome tax levies;

NOW THEREFORE BE IT RESOLVED, BY THE SWAIN COUNTY BOARD OF COMMISSIONERS:

That a water and sewer district is hereby created encompassing the region of Swain County known as Ela Community as depicted on the attached map; and

That the newly created water and sewer district is named Ela Sewer District; and

That the Swain County Board of Commissioners hereby takes on the full responsibilities and obligations regarding the Ela Water and Sewer District as the Board of Director's for the district.

Adopted this 9th day of May, 2019 at Bryson City, North Carolina.

Ben Bushyhead, Chairman
Swain County Board of Commissioners

CERTIFICATE OF RECORDING OFFICER

The undersigned duly qualified and acting Clerk to the Swain County Board of Commissioners of the ELA SEWER AND WATER DISTRICT does hereby certify:

That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the SWAIN COUNTY BOARD OF COMMISSIONERS duly held on the 9th day of May, 2019; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 9^h day of May, 2019.

Cindi Woodard, Clerk to the Board
Swain County Board of Commissioners
Commissioner Parsons seconded the motion. A vote was unanimous.

-JCPC Resolution: Commissioner Parsons made a motion to approve the following resolution:



Resolution # 900-2019-05

**STATE OF NORTH CAROLINA
COUNTY OF SWAIN**

**Swain County Board of Commissioners Resolution
Supporting
Juvenile Crime Prevention Council Allocation Expansion**

WHEREAS, Juvenile Crime Prevention Council (JCPC) funding is a partnership between the State of North Carolina and the County to ensure a local continuum of services for court involved and at-risk juveniles; and,

WHEREAS, the Juvenile Crime Prevention Council, under the authority of NCGS§143B-851, and within the scope of its powers and duties, "Each County Council shall annually review the needs of juveniles in the county who are at risk of delinquency or who have been adjudicated undisciplined or delinquent and the resources available to address those needs. In particular, each County Council shall assess the needs of juveniles in the county who are at risk or who have been associated with gangs or gang activity, and the local resources that are established to address those needs," and,

WHEREAS, the Juvenile Justice Reinvestment Act passed in 2017, also referenced as North Carolina's Raise the Age legislation, expands the age of juvenile jurisdiction, increasing it to include juveniles ages 16 and 17 years of age effective December 1, 2019; and,

WHEREAS, Raise the Age legislation also encourages the formulation of School Justice Partnerships to address the reduction of school-based juvenile complaints; and,

WHEREAS, Raise the Age legislation will increase the need for immediate and age-appropriate sanctions and diversion services for juvenile offenders and those at-risk of delinquency; and,

WHEREAS, JCPC funding has seen no increase in more than nine years; and,

WHEREAS, the effort to immediately and effectively address juvenile offending behavior is an evidence-based investment in North Carolina's future;

NOW, THEREFORE BE IT RESOLVED, that Swain County fully supports an adequate and timely increase of local Juvenile Crime Prevention funding to ensure program expansion and successful

implementation of the Juvenile Justice Reinvestment Act Raise the Age Legislation, set for December 1, 2019.

Adopted this the _____ day of _____ 2019.

Ben Bushyhead, Chairman
Swain County Commissioners

ATTEST:

Cindi C. Woodard, Clerk to the Board
Swain County Commissioners
Commissioner Seagle seconded the motion. A vote was unanimous.

-Spay/Neuter Guidelines Resolution: Tabled

-Fire Protection Agreement: Commissioner Parsons made a motion to approve the following:
STATE OF NORTH CAROLINA AGREEMENT COUNTY OF SWAIN

THIS AGREEMENT, made and entered into this the 3rd day June 2019 by and between THE TOWN OF BRYSON CITY, a Municipal Corporation, hereinafter termed "Town"; and THE COUNTY OF SWAIN, a Body Politic of the State of North Carolina, hereinafter termed "County";
WITNESSETH:

THAT WHEREAS, The Town provides fire protection for the corporate limits of the Town through the Bryson City Volunteer Fire Department: and.

WHEREAS, the County desires to provide fire protection for that portion of the Tuckasee Fire District outside of the corporate limits of the Town; and,

WHEREAS, the County has requested the Town to provide such fire protection services and the Town has agreed to do so. upon the terms and provisions set forth herein.

NOW, THEREFORE, for and in consideration of the mutual promises and agreements set out herein, the parties hereto do hereby agree as follows:

1. That the Town shall provide fire protection services to that portion of the Tuckasee Fire District lying outside the corporate limits of the Town of Bryson City for and during the term of this agreement but subject to the limitations set forth herein.
2. In consideration of the provision of fire protection services as provided herein, the County shall pay unto the Town in quarterly installments the sum of FORTY THOUSAND DOLLARS (\$40,000.00) for the twelve (12) month period commencing on the 1st day of July, 2019 and ending on the 30th day of June, 2020.
3. This Agreement shall automatically terminate on the 30th day of June, 2020.
4. The Town shall have the right to terminate this Agreement upon the occurrence of any of the following events:
 - a. Non-payment by the County of any sums due under this Agreement.
 - b. Upon the occurrence of any event which would prevent the Bryson City Volunteer Fire Department from providing services within that portion of the Tuckasee Fire District lying outside the corporate limits of the Town of Bryson City.

IN TESTIMONY WHEREOF, the Town has caused this instrument to be executed in its name by its Mayor and attested by its Clerk and the County has caused this Agreement to be executed in its name by its Chairman and attested by the Clerk to its Board of Commissioners all the day and year first above written.

County Manager's Report

Kevin King gave an update on:

- SCC/Cooperative Extension –getting a quote for glass double doors to eliminate disturbance
- Survey for strategic planning will go out with each tax bill

-2019-2020 budget will be discussed at the May 23rd work session and will include the Personnel Committee's requests and recommendations.

-School building project has been delayed due to only receiving 1 bid and requiring 2, which will be opened on May 16th.

-SB307 update: Senator Davis doesn't anticipate an issue and it will hopefully be out of committee within the next couple weeks to be passed.

Commissioner Reports

Commissioner Parsons: 4 Square meeting, pleased with the process, Giving Spoon held a meeting relaying 58 is the average number being served weekly, attended County Assembly Day with Chairman Bushyhead and Kevin King, attended Sally Rogers' 101 birthday celebration.

Commissioner Parton: Reminded everyone of the Heritage Festival Saturday, upcoming decorations and made a motion to present certificates recognizing David Sawyer and Linda Hogue for their organization of the Heritage Festival for 25 years. Vice-Chair Burns seconded the motion. A vote was unanimous.

Commissioner Seagle: Visited the Sanitation Department and reported they're receiving a lot of cardboard from ConMet, old cardboard compactor needs to be replaced, sheds were built too low, so they're being taken down and raised up. Attended JPC meeting, reported the multi-purpose facility at the SCHS is scheduled for the slab to be poured next week.

Vice-Chair Burns : Attended Sally Roger's 101 birthday celebration, announced Skywave received a grant and was awarded \$260,000 with other grant opportunities coming up, C4C, Library and Broadband meets next week.

Chairman Bushyhead: relayed the WNC Rural Health Forum is scheduled for May 13th, jail inspections were made and all acceptable.

Closed Session

None

Adjournment

Vice-Chair Burns 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