

November 9, 2009 – Regular Session

The Swain County Board of Commissioners held a regular session on November 9, 2009. Present were Chairman Jones, Vice-Chair Lindsay, Commissioner Monteith, Commissioner Carson and Commissioner Moon.

Chairman Jones called the regular session to order. Commissioner Moon led with prayer and the pledge.

Adjust Agenda

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

Minutes

Vice-Chair Lindsay made a motion to approve the August 10 regular session and August 24 work session minutes. Commissioner Moon seconded the motion. A vote was unanimous.

Public Comments

Comments were received from Vivian Cook, Chuck Perotti, Mike Clampitt, Michael Keener, Linda Hogue and Billy Cable.

Administrative Reports

Tax Collector's Report: Peggy Hyde presented a report to the Board for the month of October, 2009. Ad-Valorem tax receivable was reported at \$4,352,521.84. There was \$917,428.57 collected for the month. Total collections year to date were \$1,497,011.77. The tax collection percentage year to date was 25.85%. Total releases were \$32,066.85, total discoveries were \$3,670.10 and refunds were \$215.49. Commissioner Moon made a motion to approve the Tax Collector's report as presented. Commissioner Carson seconded the motion. A vote was unanimous.

Finance Report: Kevin King presented a report to the Board for the month of October, 2009. Mrs. Cody reported revenues for the month were \$1,354,094.55. Total revenue year to date is \$3,546,168.84. We have approximately 32.35% of revenues for 2009-2010 fiscal year. Expenditures for the month were \$1,130,642.70. Year to date we have expended \$3,129,658.94. We have paid out approximately 28.54% of the General Fund appropriations for 2009/2010 fiscal year. Vice-Chair Lindsay made a motion to approve the Finance Officer's report as presented. Commissioner Carson seconded the motion. A vote was unanimous.

ACTION ITEMS

Resolution – Economic Recovery Zone: Commissioner Carson made a motion to approve the following resolution:



STATE OF NORTH CAROLINA
COUNTY OF SWAIN

Resolution # 910-2009-1

RESOLUTION DESIGNATING RECOVERY ZONE

WHEREAS, the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5) (“ARRA”) modifies the Internal Revenue Code of 1986, as amended (the “Code”) to authorize, among others, two new types of bonds entitled “recovery zone economic development bonds” and “recovery zone facility bonds;” and

WHEREAS, “recovery zone economic development bonds are a subcategory of taxable build America bonds (as defined in section 54AA(d) of the Code), issued under provisions of ARRA that have been codified as Section 1400U-2 of the Code, the proceeds of which are to be used for qualified economic development purposes in a recovery zone; and

WHEREAS, qualified economic development purpose include expenditures for the purpose of promoting development or other economic activity in a recovery zone, including capital expenditures for property located in the zone or expenditures for public infrastructure and construction of public facilities in the zone; and

WHEREAS, ARRA also authorizes a new type of federally tax exempt private activity bonds entitled “recovery zone facility bonds” in Sections 1400U-1 and 1400U-3 of the Code to finance construction, renovation, or acquisition of depreciable property by a private taxpayer of a qualified business in a recovery zone, with “qualified business” defined to include any trade or business other than residential rental property and certain prohibited uses outlined in the Code;

WHEREAS, sections 1440U-2 through 1400U-3 of the Code, and related Notice 2009-50 issued by the U.S. Treasury Department (collectively, the “Recovery Zone Act”) define a recovery zone as any area designated by the County as an area of significant poverty, unemployment, rate of home foreclosure, or general distress;

WHEREAS, the County has determined that Swain County has experienced significant unemployment and general distress because of construction downturn, unemployment rates as high as 14.5% over the last year, company layoffs, and business closures and foreclosure rates running at approximately 5% higher than previous years.

WHEREAS, the County has determined that it is in the best interest of the County and its citizens to designate Swain County as a “recovery zone” for purposes of the Recovery Zone Act;

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

1. The County hereby finds that there is significant unemployment and general distress in the County of Swain, and therefore hereby designates the County of Swain as a recovery zone for purposes of the Recovery Zone Act.

The officers of the County are hereby authorized and directed to take all actions as may be required in furtherance of the designation of the recovery zone.

Adopted this the ____ day of _____, 2009.

Glenn E. Jones
Chairman of the Swain County
Board of Commissioners

ATTEST:

Clerk to the Swain County
Board of Commissioners

Commissioner Monteith seconded the motion. A vote was unanimous.

Tax Appeal: Mr. Barry Mears discussed his tax appeal for Fontana High, LLC. The Board agreed to respond back to him with a letter.

Child Support Plan: The Board discussed the Child Support Plan.

Budget Amendment #3: Commissioner Carson made a motion to approve Budget Amendment #3. Commissioner Moon seconded the motion. A vote was unanimous.

Inmate Health Plan: TABLED

Letter of Support – Corridor K: The Board agreed to forward a letter of support for Corridor K.

NEW BUSINESS

Jenny Sanders-Little Tennessee Watershed Association: Ms. Sanders introduced herself and Gave an update on the Little Tennessee Watershed Association.

Informal Discussion

Adjournment

With no further business to discuss, Vice-Chair Lindsay made a motion to adjourn. Commissioner Moon seconded the motion. A vote was unanimous.

Respectfully Submitted,

Cindi C. Woodard,
Clerk to the Board
Swain County Commissioners

Glenn Jones,
Chairman
Swain County Commissioners