

January 12, 2009 – Regular Session

The Swain County Board of Commissioners held a regular session on Monday, January 12, 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

Commissioner Moon made a motion to adjust the agenda to better facilitate the meeting. Commissioner Carson seconded the motion. A vote was unanimous.

Minutes

Commissioner Carson made a motion to approve minutes from the October 13 regular session and October 2 work session. Vice-Chair Lindsay seconded the motion. A vote was unanimous.

Public Comments

Comments were received from the following:

- Linda Hogue (see written comments on file)
- Mike Clampitt
- Ellen Monteith

Michael Keener – Hazel Creek Bridge: Michael Keener addressed the board with his concerns regarding access to Hazel Creek. Mr. Keener noted the bridge was not standing at this point and the only entrance was further and more difficult terrain.

Item to be added:

Dale Ditmanson – Commissioner Moon made a motion to add Dale Ditmanson, GSMNP Superintendent to the agenda. Commissioner Monteith seconded the motion. A vote was unanimous. Mr. Ditmanson invited the Board to the 75th anniversary celebration of the Park.

Administrative Reports

Tax Collector's Report: Tabled

Finance Report:

Vida Cody, Finance Officer, presented a report to the Board for the month of December, 2008. Mrs. Cody reported revenues for the month were \$1,349,276.60. Total revenue year to date is \$7,323,922.41. We have approximately 56.20% of revenues for 2008-2009 fiscal year. Expenditures for the month were \$2,097,373.15. Year to date we have expended \$6,628,972.91. We have paid out approximately 50.73% of the General Fund appropriations for 2008/2009 fiscal year. Commissioner Monteith made a motion to approve the Finance Officer's report as presented. Commissioner Carson seconded the motion. A vote was unanimous.

Resolution – Petition to annex SCHS into Town of Bryson City: Commissioner Carson made a motion to approve the following resolution:



Resolution # 900-2009-1

**STATE OF NORTH CAROLINA
COUNTY OF SWAIN**

Resolution petitioning the Town of Bryson City to annex the
Swain County High School into the city limits.

WHEREAS, the County of Swain, a Body Politic and Corporate, existing under the laws of the State of North Carolina, holds legal title to a tract or parcel of land containing 42.977 acres, more or less, as described more particularly on Exhibit "A" attached hereto; and,

WHEREAS, there is located upon said land the Swain County High School and related facilities; and,

WHEREAS, the Swain County Board of Education, administers the operation of the Swain County High School and its related facilities upon said land; and,

WHEREAS, the Swain County Board of Education has requested the County of Swain to petition the Town of Bryson City to annex said land in order to secure more favorable rates from the Town of Bryson City for water and sewer services provided to said land; and,

WHEREAS, the Board of Commissioners of the County of Swain has determined that annexation of said land would benefit the County and the Swain County Board of Education.

NOW, THEREFORE, be it RESOLVED that the County of Swain, by and through the Chairman of the Board of County Commissioners and the Clerk to said Board, Petition the Town of Bryson City to annex the land described on Exhibit "A" attached hereto into the Town of Bryson City.

Adopted this the 12th day of January, 2009

BY: _____
Glenn Jones, Chairman
Swain County Commissioners

Attest:

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

EXHIBIT "A"

BEGINNING on an existing iron pin on top of a ridge, said point being a corner common to the lands, now or formerly, of W. G. Burnette, Deed book 111 at page 247 and W. G. Robinson, Deed book 145 at page 531, Swain County Registry, and runs thence from said beginning point with the line of Robinson, N. 82-14-34 W. 307.79 feet to an iron pin set at or near the western margin of the New Fontana Road, NCSR 1364; then continuing with the line of Robinson, N. 82-14-34 W. 216.84 feet to a point at or near the western margin of NCSR 1328; then continuing with the line of Robinson, S. 87-00-00 W. 78.77 feet to an existing iron pin, a corner common to the lands, now or formerly, of Bennett Arvey, Deed book 107 at page 118, Swain County Registry; then with the line of the lands of Arvey and the lands, now or formerly, of Clyde Smith, Deed book 79 at page 454 and Kenneth Cline, Deed book 99 at page 237, Swain County Registry, S. 87-00-00 W. 182.23 feet to an existing iron pin at or near the eastern margin of NCSR 1328; S. 78-29-10 W. 21.63 feet to a point at or near the western margin of the said NCSR 1328; S. 83-08-50 W. 61 feet to an existing iron pin; S. 70-38-50 W. 100 feet to an existing iron pin; N. 75-51-10 W. 76 feet to an existing iron pin; N. 49-31-10 W. 200 feet to an existing iron pin; and S. 79-53-50 W. 227 feet to an existing iron pin, a corner common to the lands, now or formerly, of Kenneth Cline, Coday and Max E. Gibson, Deed book 123 at page 504, Swain County Registry; then running with the line of Gibson, N. 30-04-20 W. 171.71 feet to an existing iron pin; N. 25-04-20 W. 65.08 feet to an existing iron pin; N. 20-08-51 E. 211.98 feet to an existing iron pin; and N. 47-35-30 E. 162.01 feet to an existing iron pin, a corner common to the lands, now or formerly, of Zimmerman; then leaving the line of Gibson and running with the line of Zimmerman, N. 30-51-47 E. 26.38 feet to an existing iron pin; N. 34-07-33 E. 12.83 feet to an existing iron pin; N. 13-25-00 E. 43.97 feet to an existing iron pin; N. 19-52-08 W. 8.48 feet to an existing iron pin; N. 05-35-57 E. 69.84 feet to an existing iron pin; N. 15-34-49 W. 20.47 feet to an existing iron pin; N. 18-59-30 W. 102.71 feet to an existing iron pin; N. 13-00-34 W. 30.49 feet to an existing iron pin; N.

22-53-08 W. 25.72 feet to an existing iron pin; and N. 02-00-33 W. 111.11 feet to an existing iron pin, a corner common to the lands, now or formerly, of Walter Stanberry, Deed book 89 at page 124 and Deed book 122 at page 475, Swain County Registry; then leaving the line of Zimmerman and running with the line of Stanberry, N. 88-39-03 E. 10.87 feet to an existing iron pin; N. 03-39-03 E. 121.53 feet to an existing iron pin; N. 22-09-03 E. 26.62 feet to an existing iron pin at a branch; then continuing with the line of Stanberry and the branch, S. 73-08-29 E. 184.51 feet; S. 61-56-10 E. 134.04 feet to an existing iron pin at the forks of the branch; then continuing with the branch, N. 32-15-14 E. 24.41 feet; N. 61-11-08 E. 19.42 feet; N. 35-11-47 E. 47.38 feet; N. 12-32-17 W. 28.52 feet; N. 14-06-48 E. 50.29 feet; and N. 11-50-30 E. 192.62 feet to a point near the east bank of said branch; then leaving the line of Stanberry and running with the line, now or formerly, of Stearns, S. 90-00-00 E. 794.49 feet to an iron pin set, a corner common to the lands, now or formerly, of H. L. Thomas, Jr., Deed book 70 at page 288, Swain County Registry; then leaving the line of Stearns and running with the line of Thomas, S. 57-30-00 E. 100.09 feet to an iron pin set; S. 22-45-00 E. 111.10 feet to an iron pin set; S. 07-45-00 E. 100 feet to an iron pin set; and S. 19-00-00 E. 225.60 feet to a 24 inch white oak, a corner common to the lands, now or formerly, of James Gribble, Deed book 95 at page 374, Swain County Registry; then leaving the Thomas line and running with the line of Gribble, S. 28-05-57 E. 153.30 feet to an iron pin set; S. 05-59-00 E. 186.96 feet to an iron pin set; S. 13-17-29 E. 227 feet to an axle found; N. 86-32-32 W. 308.34 feet to an existing iron pin on top of a ridge; then with the top of the ridge, S. 22-54-21 E. 235.47 feet to an existing iron pin; S. 13-25-40 W. 115.57 feet to an existing iron pin; S. 10-04-20 E. 90 feet to an iron pin set; and then with the line of the said W. G. Burnette S. 00-30-38 W. 25.06 feet to the point of BEGINNING and containing 42.977 acres as surveyed by Herron & Associates, PA and as shown on a plat entitled "Swain County Board of Education" dated January 11, 2000, Drawing number 434-218-B.

This conveyance is subject to the rights of way for NCSR 1364 and NCSR 1328.

For a source of title, see book 99 at pages 684, 687, 690, 693 and book 101 at page 65, Office of the Register of Deeds for Swain County North Carolina.

Commissioner Moon seconded the motion. A vote was unanimous.

Mrs. Frank Wiggins – house burned – remove 2009 taxes: Tabled for County Attorney to research.

Auditor's contract – 2009: Vice-Chair Lindsay made a motion to approve the auditor's contract. Commissioner Moon seconded the motion. A vote was unanimous.

Sheriff Curtis Cochran – Sheriff's Department Concerns: Sheriff Cochran addressed several concerns to the Board including:

- First appearances of inmates by video
- Animal Control issue
- Request for additions to the entrance of L.E.C.
- Request for improvements to holding cell

Item to be added

Commissioner Monteith made a motion to add a resolution supporting the federal funding of Southwestern RC&D. Commissioner Carson seconded the motion. A vote was unanimous.

Commissioner Monteith made a motion to approve the following resolution:



STATE OF NORTH CAROLINA

Resolution # 900-2009-2

COUNTY OF SWAIN

**RESOLUTION SUPPORTING THE FEDERAL FUNDING OF
SOUTHWESTERN NC RC&D**

WHEREAS, Swain County is located within the geographic service area of Southwestern NC Resource Conservation & Development (RC&D) Area; and

WHEREAS, Southwestern NC RC&D plays an important role in protecting the environment in a way that improves the local economy and standard of living in Swain County; and

WHEREAS, the Swain County Board of Commissioners believes that natural resources conservation continues to be of prime importance in southwestern North Carolina; and

WHEREAS, Southwestern NC RC&D provides technical assistance and project administration for vital resource projects; and

WHEREAS, the lack of adequate Federal funding will cause Southwestern NC RC&D to no longer have the assistance of a full-time coordinator and office support.

NOW THEREFORE, BE IT RESOLVED that the Swain County Board of Commissioners encourages and supports any and all efforts to secure adequate Federal funding to fully staff Southwestern NC RC&D, allowing that organization to continue to serve Swain County and southwestern North Carolina.

Adopted this the 12th day of January, 2009

Glenn Jones, Chairman

Attest:

Cindi C. Woodard, Clerk to the Board

Commissioner Carson seconded the motion. A vote was unanimous.

Informal Discussion

David Monteith requested that the Board consider an amendment allowing same requirements for removal of a waste fee of a business as for a residence.

Adjournment

With no further business to discuss, Commissioner Carson 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