

January 23, 2007– Regular Session

The Swain County Board of Commissioners held a Regular Session on Tuesday, January 27, 2007. Present were Chairman Jones, Vice-Chair Lindsay, Commissioner Monteith and Commissioner Carson. Commissioner Moon was absent due to medical purposes.

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

Adjust Agenda

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

Approval of Minutes

Commissioner Carson made a motion to approve minutes of December 12 work session, December 12 regular session and December 21 Special Session. Vice-Chair Lindsay seconded the motion. A vote was unanimous.

Public Comment

Public comments were received from the following:

-Mike Clampitt had the following comments:

PUBLIC COMMENT ITEMS 23 JAN 07

I. Question of approval of minutes 12 Dec 06 A. Minutes missing much discussion over bids on Surplus fire truck B. Memo to Commissioner Montieth

II. Question of approval of minutes 21 Dec 06 A. Adoption date of 21 Dec 06 for "Policy # 1-06-12-1, actually not until approval of minutes at 23 Jan 07 meeting B. Was amendments as requested by Mike Clampitt added or considered and have they been distributed or posted?

III. Budget retreat comment, prioritize from user standpoint A. Repair tennis courts first B. Repair soccer fields C. Repair skateboard park and signage D. Complete repairs to parking

IV. www.swaincounty.org A. Website has not been updated since 02 Dec 02 B. Only two county departments link with info, ie. Register of Deeds office and Health departments C. Update current members and department head information with phone numbers for departments and e-mail addresses D. Post policies and procedures for public comments and input E. Post all county policies and procedures for prospective employees to review before employment F. List publicly job opportunities and benefits G. Add listing of Swain Co. fire departments with chief and department contact info H. Add listing of Swain Co. rescue departments with chief and department contact info.

Kindly submitted and request consideration of the aforementioned items by Mike Clampitt, POB 2000, Bryson City, N.C. 28713. 828-488-1604 Attachments:

memo

Date:1/23/2007

From: Mike Clampitt

RE:SURPLUS FIRE APPARATUS

Commissioner Montieth may I kindly apologize to you and the Board for my seemingly dissention to the disposal of the surplus fire apparatus. That was not my intention, as based on the information provided at the meeting that this piece of equipment was serviceable.

On 13 Dec 06, by permission to inspect the apparatus located at the Rec Park building, I found a non-road worthy vehicle. At that time when I inspected the fire apparatus it would not meet NCDMV vehicle inspection standards to be on the road.

The tires appear to severely worn, and would need all six replaced. There are many marker lights and there are no emergency warning lights, nor siren on the apparatus.

The wiring appears to have been damaged in the cab area. Actually, it would be easier to list the equipment that it does have, (none) rather than to list the equipment it does not have. Actually no serviceable equipment is on the apparatus. It does not meet NFP A Pamphlet # 1901 for Manufacture of Fire Apparatus, it does not meet NFP Pamphlet # 1912 for Refurbishment of Fire Apparatus, and does not meet NFP A Pamphlet # 1915 for Maintenance of Fire Apparatus.

It is in my estimation that it is cost prohibitive to return this fire engine to an acceptable, equipped and safe emergency response vehicle. Costs would probably exceed \$10,000.00

Contact with several of fire apparatus dealers and suppliers revealed a flood on the market of used fire apparatus and a depression of market value of those re-sellable pieces of apparatus. This is in direct relation to the seemingly unlimited funds available to fire departments to upgrade their equipment because of the terrorism threat levels being elevated throughout the country.

May I kindly suggest that get what you can now, as every day that goes by the offerings' may become less, and you may be stuck with paying for disposal.

Attachments

Tax Collector's Report

Peggy Hyde, Tax Administrator, presented a report to the Board for the month of December. Ad-Valorem tax receivable was reported at \$3,860,862.57. There was \$1,110,817.27 collected for the month. Total collections year to date were \$3,552,594.84. The tax collection percentage year to date was 23.53%. Total releases were \$6,903.64, total discoveries were \$2,509.43 and total refunds were \$423.82. Commissioner Monteith made a motion to approve the Tax Collector's report as presented. Commissioner Carson seconded the motion. A vote was unanimous.

Finance Officer's Report

Kevin King, Finance Officer, presented a report to the Board for the month of December. Mr. King reported revenues for the month were \$962,328.25. Total revenue year to date is \$5,642,260.47. We have approximately 55.53% of revenues for 2006-2007 fiscal year. Expenditures for the month were \$1,594,396.66. Year to date we have expended \$4,455,303.04. We have paid out approximately 43.79% of the General Fund appropriations for 2006/2007 fiscal year. Vice-Chair Lindsay made a motion to approve the Finance Officer's report as presented. Commissioner Monteith seconded the motion. A vote was unanimous.

Budget Amendment #4

Commissioner Carson 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, 2007:

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>		
Special Appropriations	178,000	
<u>General Fund Revenue</u>		
Appropriated Fund Balance	<u>178,000</u>	<u>178,000</u>
<u>OZAB Capital Fund</u>		
Project Cost for Renovation	1,500,000	

QZAB Capital Fund Revenue

Estimated Medicare 2007 Allowable Amounts		Financing Proceeds
- Rural	278058	<u>1,500,000</u>
	1,500,000	1,500,000

Vice-Chair Lindsay seconded the motion. A vote was unanimous.

JCPC Appointments

Chairman Jones made a motion to appoint Holly Bowick to the JCPC Board to replace Brian Davis. Commissioner Carson seconded the motion. A vote was unanimous.

Nursing & Adult Care Home Community Advisory Committee Appointments

Commissioner Monteith made a motion to reappoint Cecil Sutton, Jean Brady and Irene Wilson to serve on the Swain County Nursing & Adult Care Home Community Advisory Committee with their terms ending June 30, 2010. Commissioner Carson seconded the motion. A vote was unanimous.

Resolution – Intent to reimburse – WSFD

Commissioner Carson made a motion to approve the following resolution:

**Resolution #930-2007-02
County of Swain, North Carolina
Declaration of official intent to reimburse**

BE IT HEREBY RESOLVED that the County of Swain, N.C. does hereby adopt the following declaration (the "Declaration") of official intent to reimburse.

This declaration is made pursuant to the requirements of the United States Treasury Regulations Section 1.150-2 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section.

The undersigned is authorized to declare the official intent of the County of Swain, North Carolina (the "Issuer") with respect to the matters contained herein.

1. **Expenditures to be Incurred.** The Issuer anticipates incurring expenditures (the "Expenditures") to purchase equipment.
2. **Plan of Finance.** The Issuer intends to finance the costs of the real property located on Main Street, Bryson City with the proceeds of debt to be issued by the Issuer (the "Borrowing") the interest on which is to be excluded from gross income for Federal income tax purposes.
3. **Maximum Principal Amount of Debt to be Issued.** The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the real property is \$550,000.
4. **Declaration of Official Intent to Reimburse.** The issuer hereby declares its official intent to reimburse itself with the proceeds of the Borrowing for any of the Expenditures incurred by it prior to the issuance of the Borrowing.

Vice-Chair Lindsay seconded the motion. A vote was unanimous.

DSS positions

Commissioner Carson made a motion to approve DSS positions as requested. Vice-Chair Lindsay seconded the motion. A vote was unanimous.

EMS Fee Increase

Chairman Jones made a motion to approve the following EMS Fee increases in order for the County to take advantage of Medicare reimbursements. All rates increased, mileage rates remained the same. Commissioner Carson seconded the motion. A vote was unanimous.

Swain	2006 Medicare Allowable	Projected 2007 Medicare Allowable	Current Charge	Rate Recommendations (120% of MFS)
ALS NE A0426	\$215.38	\$270.42	\$285.00	\$324.50
ALS E A0427	\$341.01	\$428.16	\$320.00	\$513.79
BLS NE A0428	\$179.48	\$225.34	\$255.00	\$270.41
BLS E A0429	\$287.17	\$360.55	\$255.00	\$432.67
ALS 2 A0433	\$493.57	\$619.69	\$425.00	\$743.63
Mileage A0425		\$6.25	\$11.00	
Rural Mileage 1-17	\$9.17	\$9.38	\$11.00	\$11.26
Mileage > 50	\$7.71	\$7.81	\$11.00	

Prepared by: EMS Management & Consultants, Inc.

Sheriff Cochran

Sheriff Cochran submitted the following information and proposal to the Board:

January 23, 2007

From July 1, 2005 thru June 30 2006:

There were 18,372 inmates days in the Swain County Jail.

This meant that the Swain County Board of Commissioners paid former Sheriff Bob Ogle \$183,720.00 to feed these inmates. (The formula for this number is multiplying the number of inmate days by \$10.00/day.)

The \$183,720.00 does not include the salary of \$39,197.00 paid to Mr. Ogle.

I have actual invoice cost from US Foods for the weeks -of December 13, 2006 thru January 12, 2006 (4 weeks) which total \$3,307.43 for an average of \$826.86/week. If you multiply \$826.86 by 52 weeks you will see that the cost of feeding would be \$42,996.72 for one year.

This would mean that Mr. Ogle was allowed to receive \$140,723.28, from the Swain County Board of Commissioners, above what it would cost to feed the inmates for 1 year. If you add this number to his salary (39,197.00) you will see that he was making in the neighborhood of \$180,000.00/ year. (The total number would be in the range of \$222,917.00 if you add the \$183,720.00 to the salary of \$39,197.00)

The proposed contract to have the food delivered from WestCare cost the county \$9,378.40 for 17 days for a daily average of \$551.67 which would amount to \$204,199.25/ year. This exceeds the cost of \$10.00/day by a total of \$20,479 .25/year.

PROPOSAL:

1. Raise the Sheriff salary to \$80,000.00/year with "\$5000.00/year raise for the next 4 years. (Make this raise retroactive from December 4, 2006 until present and with a contract that this could not be reduced at any time.)
2. Hire 2 more deputies @ \$26,000/year = \$52,000.00.
3. Buy 2 more patrol cars @ \$23,000.00 = \$46,000.00.
4. Give Administrative Assistant a,raise = \$ 2,000.00.

The total cost of this proposal is \$180,000.00/year plus the cost of feeding the inmates. These numbers do not reflect the benefits package that the 2 deputies would receive. This would be a small price to pay for more patrols in the county, and all of this could be done with a small increase in the budget. "

Thank you for your consideration of this proposal: Curtis Cochran, Sheriff

Department Reports

The Board received the reports from the Rec. Park, Cooperative Extension, Building and Grounds and Solid Waste. For more information, please see the written reports on file.

County Manager's Report

Kevin King, County Manager gave an update on the Governor's Island and Franklin Grove water and sewer projects and also noted progress on the Law Enforcement Center.

Adjournment

There being no further business to discuss at this time, Commissioner Monteith made a motion to adjourn. Seconded by Commissioner Carson, a vote was unanimous.

Respectfully Submitted,

Kevin S. King
Clerk to the Board
Swain County Commissioners

Glenn Jones
Chairman
Swain County Commissioners