

**May 10, 2010 – Regular Session**

The Swain County Board of Commissioners held a regular session on March 15, 2010. 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 Carson made a motion to adjust the agenda to better facilitate the meeting. Commissioner Moon seconded the motion. A vote was unanimous.

**Public Comments**

None

**Minutes**

Commissioner Carson made a motion to approve minutes of the April 5 regular session, April 26 public hearing #1, April 26 public hearing #2 and April 26 work session. Commissioner Moon seconded the motion. A vote was unanimous.

**SMC Resolution:** Brian Ingram and Shelly Foreman presented the following resolution for the Board to consider:



**Resolution # 900-2010-05**

**STATE OF NORTH CAROLINA  
COUNTY OF SWAIN**

**RESOLUTION SUPPORTING SMC'S EFFORTS TO REINSTATE A FOUNDATION  
BOARD OF DIRECTORS THAT IS APPOINTED BY SMC**

**Whereas:** The Evergreen Foundation ("the Foundation") -- formerly the Smoky Mountain Mental Health Development Foundation -- was created to support and assist SMC and the people it served in their original catchment area of Cherokee, Clay, Graham, Haywood, Jackson, Macon and Swain Counties; and

**Whereas:** Over a period of years, SMC contributed significant amounts of public funds to the Foundation, in addition to contributions from the seven western counties and the Eastern Band of Cherokee Indians, with the understanding and expectation that the Foundation would hold and invest such funds for the use and benefit of SMC and the people it serves, in the seven western counties; and

**Whereas:** SMC Board members and the community at large in the seven western counties were actively engaged in the formation and capital campaigns that contributed significant funds to the Foundation in its efforts to provide quality services and facilities to people with disabilities associated with mental illness, developmental and intellectual deficits and substance abuse in the seven western counties; and

**Whereas:** In 2001 the Foundation was restructured and separated from SMC, in both its Bylaws and Board membership, due to the uncertainty of statewide mental health reform and the fear that SMC might be abolished with the Foundation's assets potentially being lost for their intended purposes; and

**Whereas:** The Swain County Board of Commissioners approved this separation by resolution to ensure that the public assets of the Foundation continued to be available to support SMC and the needs of people with mental illness, developmental and intellectual disabilities and substance abuse disorders in the seven western counties; and

**Whereas:** This fear ultimately proved to be unfounded, and SMC continues to be the public agency managing services to people with mental illness, developmental and intellectual disabilities and substance abuse disorders in the seven western counties; and

**Whereas:** It is essential that the stewardship of the Foundation's public assets be under the oversight of a public entity to ensure that these assets are expressly used for their intended purpose to benefit SMC and the service needs of the counties that the Foundation was founded to serve; and

**Whereas:** It is in the best interests of SMC and the people it serves in the seven western counties that SMC make every effort, diplomatic and, if necessary, legal, to return governance of the Foundation Board and its assets to SMC to fulfill the original intent of the Foundation in serving people with mental illness, developmental and intellectual disabilities and substance abuse disorders in Cherokee, Clay, Graham, Haywood, Jackson, Macon and Swain Counties; and

**Whereas:** To best serve the public interest and to return the Foundation to its original and intended purpose, it is necessary to reinstitute a Foundation Board of Directors that is appointed by SMC, with the majority of Foundation Board members also being members of the SMC Board of Directors from the seven western counties, whose mandate is to provide public oversight of the Foundation; and

Whereas: The SMC Board of Directors unanimously passed a resolution to pursue the goal of reestablishing governance of the Foundation to ensure this public oversight.

**NOW THEREFORE BE IT RESOLVED BY THIS COUNTY COMMISSION** that it supports SMC's efforts, both diplomatic and legal, to reinstitute a Foundation Board of Directors that is appointed by SMC, with the majority of Foundation Board members also being members of the SMC Board of Directors from the seven western counties and to restore public oversight of these funds originated for the sole purpose of supporting people with mental illness, developmental and intellectual disabilities and substance abuse disorders in Cherokee, Clay, Graham, Haywood, Jackson, Macon and Swain Counties.

Adopted this the 10<sup>th</sup> day of May, 2010

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Glenn Jones, Chairman

Attest:

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

Commissioner Monteith made a motion to approve the resolution. Commissioner Moon seconded the motion. A vote was unanimous.

**JCPC County Plan & Certification:** Commissioner Carson made a motion to approve the Juvenile Crime Prevention Council's County Plan and Certification. Commissioner Moon seconded the motion. A vote was unanimous.

**Tax Appeal:** The Board reviewed the tax appeal information regarding the Rick Harris and Marie Darmanian parcel. Commissioner Carson made a motion that this appeal be turned over to the Board of Equalization and Review. Chairman Jones seconded them motion. A vote was unanimous.

#### **ACTION ITEMS**

**Budget Amendment #6:** Commissioner Moon made a motion to approve the following Budget Amendment:

## Swain County- Budget Amendment #6

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, 2010:

SECTION 1. For the purpose of amending the adopted budget to reflect the following changes:

<u>Description</u>	<u>Current Budget</u>	<u>Amendment</u>	<u>New Budget</u>
<b>General Fund Revenues</b>			
3090-01 TVA- PILT	\$616,878.00	<b>\$60,000.00</b>	\$676,878.00
3170-02 Tax Interest & Lien	\$100,000.00	<b>-\$15,000.00</b>	\$85,000.00
3290-00 Interest Investment	\$40,000.00	<b>-\$25,000.00</b>	\$15,000.00
3350-001 Insurance Claim	\$12,040.00	<b>\$38,000.00</b>	\$50,040.00
3350-00v Video Tax	\$18,000.00	<b>\$12,000.00</b>	\$30,000.00
3470-01 ABC Revenue	\$4,000.00	<b>\$1,000.00</b>	\$5,000.00
3480-27 Emergency Management	\$13,000.00	<b>\$13,000.00</b>	\$26,000.00
3480-55 EDTAP	\$105,326.00	<b>\$12,702.00</b>	\$118,028.00
3490-50 Fed Jail Reimbursement	\$30,000.00	<b>-\$23,000.00</b>	\$7,000.00
3490-50A EBCI Jail Reimbursement	\$190,000.00	<b>\$230,000.00</b>	\$420,000.00
3510-01 CSC-Officer Fees	\$13,000.00	<b>\$2,000.00</b>	\$15,000.00
3510-02 Safe Driving Fees	\$2,500.00	<b>\$500.00</b>	\$3,000.00
3350-00 NC DMV- Tag Office	\$40,000.00	<b>-\$5,000.00</b>	\$35,000.00
3350-01N Notary Fees	\$12,000.00	<b>-\$3,000.00</b>	\$9,000.00
3560-00 ROD- Recording Fees	\$100,000.00	<b>-\$20,000.00</b>	\$80,000.00
3560-02 ROD- Excise Tax	\$110,000.00	<b>-\$25,000.00</b>	\$85,000.00
3570-00 Inspections	\$150,000.00	<b>-\$80,000.00</b>	\$70,000.00
3580-00 Jail Fees CSC	\$5,000.00	<b>\$3,000.00</b>	\$8,000.00
3580-01 Jail Fees - Other Counties	\$145,000.00	<b>-\$120,000.00</b>	\$25,000.00
3590-01 Elections- Filing Fees	\$0.00	<b>\$11,732.00</b>	\$11,732.00
3650-10 Rec-Basketball	\$18,000.00	<b>-\$12,000.00</b>	\$6,000.00
3661-00 Sheriff-Concealed Weapon	\$2,000.00	<b>\$6,700.00</b>	\$8,700.00
3700-05 CYFAR	\$22,500.00	<b>-\$22,500.00</b>	\$0.00
3700-07 Coop Ext Smart Start	\$15,000.00	<b>\$14,000.00</b>	\$25,000.00
3700-08 Coop Ext -FSFP Salary	\$50,000.00	<b>\$18,000.00</b>	\$62,000.00
3600-01 AMB- Private	\$160,000.00	<b>\$20,000.00</b>	\$180,000.00
3600-02 AMB- Medicare	\$265,000.00	<b>\$25,000.00</b>	\$290,000.00
3800-05 Transfer from Public Safety	\$60,000.00	<b>\$165,000.00</b>	\$225,000.00
NEW Principal 2010 Settlement	\$0.00	<b>\$4,000,000.00</b>	\$4,000,000.00
NEW Interest 2010 Settlement	\$0.00	<b>\$50,000.00</b>	\$50,000.00
	<b>Total Revenue</b>	<b>\$4,332,134.00</b>	
<b>General Fund Expenses</b>			
4700-21 Mapping- Copier Lease	\$2,000.00	<b>\$5,000.00</b>	\$7,000.00
4800-21 ROD-Copier Lease	\$12,000.00	<b>-\$5,000.00</b>	\$7,000.00
4800-57 ROD- State Share	\$55,000.00	<b>-\$13,000.00</b>	\$42,000.00
5100-02 Sheriff- Salary	\$497,887.00	<b>\$45,000.00</b>	\$542,887.00
5100-31 Sheriff- Fuel	\$65,000.00	<b>-\$10,000.00</b>	\$55,000.00
5150-72 Court-Capital Outlay	\$6,000.00	<b>-\$4,500.00</b>	\$1,500.00
5200-10 Jail-Unemployment	\$7,000.00	<b>\$15,600.00</b>	\$22,600.00
5400-17 Inspections- Maint Vehicle	\$2,000.00	<b>-\$1,000.00</b>	\$1,000.00
5400-33 Inspections-Supplies	\$5,000.00	<b>-\$2,000.00</b>	\$3,000.00
5400-72 Inspections- Capital Outlay	\$5,000.00	<b>-\$5,000.00</b>	\$0.00
6000-04 Coronor	\$9,000.00	<b>\$3,000.00</b>	\$12,000.00
6020-02 EMS- Salary	\$515,473.00	<b>\$50,000.00</b>	\$565,473.00
6020-17 EMS- Maintenance Vehicle	\$5,000.00	<b>\$7,000.00</b>	\$12,000.00
6020-45 EMS- Contracted Service	\$35,000.00	<b>\$20,000.00</b>	\$55,000.00
605046 Coop Extension Smart Start	\$15,000.00	<b>\$20,000.00</b>	\$35,000.00
620010 Recreation- Unemployment	\$5,000.00	<b>-\$5,000.00</b>	\$0.00
620016 Recreation- M&R Equipment	\$10,000.00	<b>-\$3,000.00</b>	\$7,000.00
620017 Recreation- Vehicle M&R	\$5,000.00	<b>-\$2,000.00</b>	\$3,000.00
620035 Recreation-Y Basketball	\$5,000.00	<b>-\$2,800.00</b>	\$2,200.00
691001 West Swain Fire Dept	\$75,000.00	<b>\$90,000.00</b>	\$165,000.00
691003 Bryson City Fire Department	\$20,000.00	<b>\$21,000.00</b>	\$41,000.00
694001 Mental Health-ABC Rev	\$3,500.00	<b>\$1,500.00</b>	\$5,000.00
694003 SOF- EDTAP	\$105,326.00	<b>\$12,702.00</b>	\$118,028.00
696004 Contingency	\$641,027.07	<b>\$44,632.00</b>	\$708,159.07
NEW 2010 Settlement Contingency	\$0.00	<b>\$4,050,000.00</b>	\$4,050,000.00
	<b>Total Expenses</b>	<b>\$4,332,134.00</b>	

As Clerk of the Board, I certify this budget amendment was approved by the Swain

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Cindi Woodard, Clerk to the Board

Commissioner Carson seconded the motion. A vote was unanimous.

**Administrative Reports**

**Finance Report:** Vida Cody presented a report to the Board for the month of April, 2010. Mrs. Cody reported revenues for the month were \$560,490.12. Total revenue year to date is \$9,874,265.28. We have approximately 84.83% of revenues for 2009-2010 fiscal year. Expenditures for the month were \$826,056.51. Year to date we have expended \$8,796,880.58. We have paid out approximately 75.58% 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 Moon seconded the motion. A vote was unanimous.

**Tax Collector's Report:** Peggy Hyde presented a report to the Board for the month of April, 2010. Ad-Valorem tax receivable was reported at \$4,358,710.47. There was \$107,350.09 collected for the month. Total collections year to date were \$5,322,488.98. The tax collection percentage year to date was 91.75%. Total releases were \$5,401.96, total discoveries were \$43.60 and refunds were \$40.52. Commissioner Moon made a motion to approve the Tax Collector's report as presented. Commissioner Monteith seconded the motion. A vote was unanimous.

**NEW BUSINESS**

**Public Utilities Ordinance:** Kevin King gave an update on the status of the Public Utilities Ordinance noting Kim Lay was working on it and would have a draft of it and a copy will be on display for the public to review, and a public hearing will be scheduled by June 9. This will be one of three ordinances.

**Hannah Smith:** Regarding the proposed Public Utilities Ordinance, Ms. Smith had 3 requests;  
-An update on the ordinance and how will the public be notified  
-Status on duke Energy's plans to relocate  
-Board draft a letter of support to Public Utilities Commission

**Informal Discussion:** Kevin King reminded the Board of the May 19 Assembly Day in Raleigh

**Adjournment**

With no further business to discuss, Commissioner Monteith made a motion to adjourn. Commissioner Carson 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