

September 08, 2008– Regular Session

The Swain County Board of Commissioners held a regular session on Monday, September 08, 2008. 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 Monteith 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 minutes from the June 30 work session, public hearing and special session. Commissioner Moon seconded the motion. A vote was unanimous.

Public Comments

Comments were received from the following:

- Virginia DeBord
- Michael Keener
- Donnie Dixon
- Ray Shepard

Administrative Reports

Tax Collector's Report:

Peggy Hyde relayed the tax collection's report to the Board for the month of August, 2008. Ad-Valorem tax receivable was reported at \$4,106,935.11. There was \$870,814.83 collected for the month. Total collections year to date were \$1,212,132.03. The tax collection percentage year to date was 23.71%. Total releases were \$9,062.57, total discoveries were \$2,924.59 and no refunds. Commissioner Monteith made a motion to approve the Tax Collector's report as presented. Commissioner Moon seconded the motion. A vote was unanimous.

Sex Offenders Ordinance

Vice-Chair Lindsay made a motion to approve the following ordinance:

**STATE OF NORTH CAROLINA COUNTY OF SWAIN
ORDINANCE PROHIBITING SEX OFFENDERS FROM ENTERING
SWAIN COUNTY PARKS AND RECREATION AREAS**

WHEREAS, Swain County maintains a parks and recreation system and areas that are meant for the peaceful enjoyment of children, and other citizens and visitors; and

WHEREAS, Swain County maintains certain child care facilities for the education, athletic events, and care of children upon the parks and recreation areas; and

WHEREAS, It is in the interest of promoting the general welfare and safety of the people of Swain County and its visitors and to reduce opportunities for sexual predators to make use of public spaces for criminal intent; and

WHEREAS, the Swain County parks system and recreation areas and county-managed child care facilities are public spaces wherein sexual predators may attempt to use such areas and facilities for criminal intent; and

WHEREAS, it is in the best interests of the citizens and residents of Swain County to reduce insofar as possible opportunities for recidivism by sexual predators; and

WHEREAS, it is a justifiable exercise of the public powers of the County of Swain to regulate use of the public parks and recreation areas and county-managed child care facilities; and

WHEREAS, this Board finds that it would be in the best interests of the citizens and residents of Swain County to prohibit and ban Registered Sex Offenders from Swain County parks and recreation areas; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Swain as follows:

1. For the purposes of this Ordinance, the following definitions shall apply:
 - (a) Registered Sex Offender-An individual who is registered by any state or federal agency as a sex offender and whose name is published on any state or federal registered sex offender listing, including, but not limited to the sex offender registry established in Chapter, 14, Article 27A of the North Carolina General Statutes.
 - (b) Swain County Parks and Recreation: Any and all county-owned, leased, operated, managed, or maintained land, building or other facility which is designated by the County of Swain as a park or recreation facility.
2. No Registered Sex Offender shall enter into or upon any Swain County Parks and Recreation Areas operated by the County of Swain. Each entry into such areas, regardless of the time period between such entries, shall constitute a separate offense under this ordinance.
3. Anyone who is found in violation of this ordinance shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00) per offense and/or thirty (30) days in jail as set forth in the North Carolina General Statute Sec. 14-4.
4. The County Manager or his designee shall post this notice of this regulation at the main entrance of each park area within thirty (30) days of passage of this ordinance.
5. It is hereby declared that it is the intention of the Swain County Board of Commissioners that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance is declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the Swain County Board of Commissioners without the incorporation in this Ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section
6. That all ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

That this resolution shall be effective upon adoption.

Adopted this the ____ day of _____, 2008

Glenn Jones, Chair
Swain County Commissioners

Attest:

Cindi C. Woodard, Clerk
Swain County Commissioners

Commissioner Moon seconded the motion. A vote was unanimous.

Work First Plan

Commissioner Moon made a motion to approve the 2009-2010 Work First Plan as presented by Carole Maennle, Swain County DSS. Commissioner Carson seconded the motion. A vote was unanimous.

New Business

Child Fatality Task Force Annual Report: This item was tabled.

Informal Discussion

None

Adjournment

With no further business to discuss, Commissioner Moon made a motion to adjourn. Vice-Chair Lindsay 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