

**April 6, 2009 – Regular Session**

The Swain County Board of Commissioners held a regular session on Monday, April 6, 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**

Vice-Chair Lindsay made a motion to approve minutes from the January 26 work session, February 3 Emergency Session and February 9 regular session. Commissioner Moon seconded the motion. A vote was unanimous.

**Public Comments**

Comments were received from the following:

- Richard Allison
- Robb Parton
- Richard Oldenquist
- Carolyn Shook
- Brenda Donarg
- Mike Clampitt
- Cliff Williams
- Varnol Cochran
- Winfred Brooks

**Administrative Reports**

**Tax Collector’s Report:** Kevin King presented a report to the Board for the month of March, 2009, Peggy Hyde was unable to attend. Ad-Valorem tax receivable was reported at \$430,951.70. There was \$153,145.02 collected for the month. Total collections year to date were \$4,838,549.46. The tax collection percentage year to date was 20.62%. Total releases were \$5,914.34, total discoveries were \$15,849.74 refunds were \$413.56. Commissioner Carson made a motion to approve the Tax Collector’s report as presented. Commissioner Moon seconded the motion. A vote was unanimous.

**Finance Report:** Vida Cody, Finance Officer, presented a report to the Board for the month of March, 2009. Mrs. Cody reported revenues for the month were \$895,021.71. Total revenue year to date is \$9,960,107.16. We have approximately 76.43% of revenues for 2008-2009 fiscal year. Expenditures for the month were \$907,900.59. Year to date we have expended \$9,089,747.50. We have paid out approximately 69.55% 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.

**Budget Amendment #3**

Commissioner Monteith made a motion to approve the following budget amendment:

**SWAIN COUNTY - BUDGET AMENDMENT #3**

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, 2009:

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.
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**General Fund**  
**Jail**

Unemployment Insurance	16,000
Utilities	20,000
Supplies	12,000
Contracted Service	15,000
Medical Expenses	35,000
M&R Building	10,000

**Sheriff Department**

Salary	10,000
M/R Vehicle	8,000
Supplies	12,000
K-9	1,000

**General Fund Revenue**

Appropriated Fund Balance		<u>139,000</u>
<b>Total</b>	<b>139,000</b>	<b>139,000</b>

As Clerk of the Board, I certify this budget amendment was approved by the Swain County Board of Commissioners in a Regular Session on April 6, 2008.

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Cindi Woodard, Clerk to the Board

Commissioner Moon seconded the motion. A vote was unanimous.

**Application for ITV Tele-Court**

Tabled

**EBCI request for trust land support**

Commissioner Moon made a motion to adopt the following resolution:



**Resolution # 900-2009-6**

**STATE OF NORTH CAROLINA  
COUNTY OF SWAIN**

WHEREAS; the Eastern Band of Cherokee Indians is a federally recongnized Indian Tribe; and

WHEREAS, the United States Secretary of the Interior has authority pursuant to 25 U.S.C. 465 and 25 C.F.R. Part 151 to acquire land, through relinquishment, gift, exchange or addgnment, in trust for the benefit of the Tribe; and

WHEREAS, the Tribe has acquired title in fee simple to certain tracts of land located in Swain County, North Carolina and further identified as follows:

- A. Finley-Coopers Creek Tract, consisting of 321.386 acres, more or less, located contiguous to the Qualla Boundary.
- B. Kituwah Tract, consisting of 309 acres, more or less.
- C. Haiss Tract, consisting of 24 acres, more or less.

WHEREAS, the Tribe has a severe shortage of developable land to construct affordable, safe and quality housing for its growing poplulation and acquired the Finley-Coopers Creek and Haiss Tracts for residential community purposes; and

WHEREAS, the Kituwah Tract is recognized as being the foremost of the seven “Mother Towns” and has significant cultural value to the Tribe; and

WHEREAS, the Tribe has applied to the United States Secretary of the Interior to place all these tracts in trust for the benefit of the Tribe; and

WHEREAS, the Tribe is officially requesting the support of the Swain County Commissioners in its endeavors to place these tracts in trust status.

NOW, THEREFORE BE IT RESOLVED by the Swain County Board of Commissioners hereby supports all efforts of the Eastern Band of Cherokee Indians to place the Finley-Cooper Creek Tract, Kituwah Tract and Haiss Tract into trust status as authorized by the United States Secretary of Interior.

Adopted this the 6th day of April, 2009

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Glenn Jones, Chairman

Attest:

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Cindi C. Woodard, Clerk to the Board  
Commissioner Monteith seconded the motion. A vote was unanimous.

**Resolution for designation for 441 scenic byway**

Tabled

**Proclamation of 75<sup>th</sup> Anniversary of GSMNP**

Commissioner Moon made a motion to adopt the following proclamation:



**COUNTY OF SWAIN  
PROCLAMATION**

**WHEREAS**, groups of local citizens and officials in Western North Carolina and East Tennessee in the 1920's displayed enormous foresight in recognizing the potential benefits of a national park in the Southern Appalachians, and

**WHEREAS**, the boundaries and location of said park were selected from among the finest examples of the most scenic and intact mountain forests in the Southeast, and

**WHEREAS**, its creation was the product of over two decades of determined effort by leaders of communities across Western North Carolina and East Tennessee, and

**WHEREAS**, the State Assemblies and the Governors of those two states exercised great vision in appropriating funding for the purchase of the over 400,000 acres of private lands which had been accumulated, and

**WHEREAS**, the citizens of surrounding communities generously contributed to that land acquisition funding to bring the Park into being, and

**WHEREAS**, over 1,100 families and other property owners were called upon to sacrifice their farms and homes for the benefit and enjoyment of future generations, and

**WHEREAS**, Great Smoky Mountains National Park was created by Act of the United States Congress on June 15, 1934, and

**WHEREAS**, the Park provides sanctuary for the most diverse flora and fauna of any national park in the temperate U.S., and preserves an unparalleled collection of historic structures as a "time capsule" of Appalachian culture during the 19th and early 20th centuries, and

**WHEREAS**, The Smokies has been America's most popular national park since it opened, and now attracts 9-10 million visitors each year, park visitors contribute over \$700 million each year to the local economies, and

**WHEREAS**, a substantial proportion of the tourism revenue of Swain County is derived from visitors attracted by the National Park, and

**WHEREAS**, the residents of Swain County have deep family roots in the park area and benefit enormously from the opportunities afforded by the Park to recreate, learn, and enjoy the scenery, wildlife and wonderful diversity of the National Park,

**NOW THEREFORE**, We, the members of the Swain County Board of Commissioners, do hereby proclaim that we applaud the Great Smoky Mountains National Park upon its 75th Anniversary and commit ourselves to supporting the current and future protection and betterment of the Park for the enjoyment of future generations.

Proclaimed in Swain County on this 6<sup>th</sup> day of April, 2009

\_\_\_\_\_  
Glenn Jones, Chairman

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Genevieve Lindsay, Vice-Chair

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Phillip Carson, Member

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Steve Moon, Member

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Cindi C. Woodard, Clerk to the Board

Commissioner Carson seconded the motion. This item passed with four voting aye and Commissioner Monteith voting nay.

**Retirement issue Board of Elections**

Tabled

**NEW BUSINESS**

**COPS Grant Application**

Commissioner Moon made a motion to add this item to the agenda for action. Vice-Chair

Lindsay seconded the motion. A vote was unanimous.

Vice-Chair Lindsay made a motion to not submit this application. This item died due to the lack of a second.

Commissioner Monteith made a motion to submit the COPS Grant Application for two deputies.

Commissioner Carson seconded the motion. This item passed with three voting aye and two voting nay.

**Informal Discussion**

Kevin King gave an update on the Buckner Branch Road.

**Adjournment**

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

Commissioner Monteith 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