

March 14, 2011 – Regular Session

The Swain County Board of Commissioners held a regular session on March 14, 2011. Present were Chairman Carson, Vice-Chair White, Commissioner Monteith, Commissioner Moon and Commissioner Dixon.

Chairman Carson called the regular session to order.

Adjust Agenda

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

Vietnam Veterans Day Proclamation: Commissioner Dixon made a motion to adopt the Vietnam Veterans Day proclamation. Seconded by Commissioner White a vote was unanimous. Chairman Carson presented the following proclamation:



**COUNTY OF SWAIN
2011 VIETNAM VETERANS DAY
PROCLAMATION**

WHEREAS, thirty-eight years ago, on March 29, 1973, the last 2,500 American Troops were withdrawn from South Vietnam, thus ending a divisive and painful period for all Americans; and

WHEREAS, our nation was embroiled in the longest and most costly war in our history; and unpopular war, where too many returning veterans were not accorded the gratitude and respect which they deserved for honorably serving their nation; and

WHEREAS, the Vietnam Memorial was unveiled twenty-eight years ago; and

WHEREAS, this memorial is a proper and deserved tribute to the more than 58,000 U.S. Service Members who made the ultimate sacrifice thus enabling the healing process to begin; and

WHEREAS, there are 8 brave Swain County men listed on the Vietnam Memorial in Washington, DC; and

WHEREAS, this day should be an occasion to remember, dedicated to Vietnam Veterans, in the spirit of gratefulness and admiration, recognizing the heroic accomplishments of these service members who gave their lives as well as all those who served our country during the Vietnam War;

NOW THEREFORE, The Swain County Board of Commissioners, do hereby proclaim March 29, 2011, "VIETNAM VETERANS DAY" and request all citizens both in public ceremonies and in private thoughts and prayers to gratefully acknowledge our Vietnam Veterans.

Proclaimed in Swain County this the 14th day of March, 2011.

Phil Carson, Chairman

Robert White, Vice-Chair

Steve Moon, Member

David Monteith, Member

Donnie Dixon, Member

Minutes

Vice-Chair White made a motion to approve minutes of the February 14 work session, February 14 regular session and February 28 work session. Commissioner Dixon seconded the motion. A vote was unanimous.

Administrative Reports

Tax Collector's Report: Peggy Hyde presented a report to the Board for the month of February, 2011. Ad-Valorem tax receivable was reported at \$4,418,710.84. There was \$135,683.91 collected for the month. Total collections year to date were \$4,975,351.28. The tax collection percentage year to date was 94.31%. Total releases were \$1,289.61. Total discoveries were \$2,856.73. Total refunds were \$41.18. Commissioner Monteith made a motion to approve the Tax Collector's report as presented. Commissioner Dixon seconded the motion. A vote was unanimous.

Finance Officer's Report: Kevin King presented a report to the Board for the month of February, 2011. Revenues for the month were \$608,367.04. Total revenue year to date is \$8,872,500.13. We have approximately 65.35% of revenues for 2010-2011 fiscal year. Expenditures for the month were \$940,724.89. Year to date we have expended \$7,823.05. We have paid out approximately 57.64 % of the General Fund appropriations for 2010/2011 fiscal year. Commissioner Dixon made a motion to approve the Finance Officer's report as presented. Vice-Chair White seconded the motion. A vote was unanimous.

Resolution to NCDOT – Smokey Vista Drive: Chairman Carson made a motion to approve the following resolution to be forwarded to NCDOT for consideration:

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
REQUEST FOR ADDITION TO THE STATE MAINTAINED SECONDARY ROAD SYSTEM

North Carolina
County of Swain
Road Description Smokey Vista Drive

WHEREAS, the attached petition has been filed with the Board of County Commissioners of the County of Swain requesting that the above described road, the location of which has been indicated in red on the attached map, be added to the Secondary Road System; and

WHEREAS, the Board of County Commissioners is of the opinion that the above described road should be added to the Secondary Road System and be paved.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of the County of Swain that the Division of Highways is hereby requested to review the above described road, and to take over the road for maintenance if it meets established standards and criteria and for pavement.

CERTIFICATE

The foregoing resolution was duly adopted by the Board of Commissioners of the County of Swain at a meeting on the ___ day of _____, 2011.

WITNESS my hand and official seal this the _____ day of _____, 20____.

Clerk, Board of Commissioners
County of Swain

Commissioner Dixon seconded the motion. A vote was unanimous.

Resolution –Public health funding through State/Local aid to County: Vice-Chair White made a motion to approve the following resolution:



Resolution # 900-2011-06

**STATE OF NORTH CAROLINA
COUNTY OF SWAIN**

Swain County Board of Commissioners
RESOLUTION SUPPORTING PUBLIC HEALTH FUNDING THROUGH
STATE LOCAL AID-TO-COUNTY

WHEREAS, State funding for local public health services is small, only 0.3% of the total state budget, these funds are extremely critical in the delivery of local public health services; and

WHEREAS, State funding for local public health is provided through: (1) Aid to county, (2) Categorical funding and (3) Contracts/grants for special projects; and

WHEREAS, Aid-to-County funding is the only non-categorical funding allocated by the state to local health departments to assure the provision of essential public health services; and

WHEREAS, These funds are intended to improve health at the local level by: providing resources to address locally identified gaps in services and community needs and creating the infrastructure necessary to effectively and efficiently respond to local needs; and

WHEREAS, local public health departments must be prepared with the infrastructure to respond to known issues such as emergency preparedness, communicable diseases, pandemic flu, childhood obesity, diabetes, infant mortality disparities, Methamphetamine Lab clean-up, food safety and promoting the availability and accessibility of quality healthcare services, as well as response to emerging needs; and

WHEREAS, local public health departments must be adequately funded to mobilize communities to improve the health of those disproportionately impacted by disease and early death, and reduce health risks for the entire population; and

WHEREAS, the Governor’s budget calls for over a 60% reduction in Aid to County funds (a reduction of \$6.8 million of the current \$11.4 million funding and elimination of all \$400,000 Aid to County funding from Division of Environment and Natural Resources);

THEREFORE, BE IT RESOLVED that the Swain County Board of Commissioners opposes the cuts to Public Health Aid-to-County funding.

BE IT FURTHER RESOLVED that the Swain County Board of Commissioners supports increasing Aid to County funding for local public health departments to assure a strong statewide system that is prepared to address local public health needs.

Adopted this the 14th day of March, 2011

Phil Carson, Chairman
Swain County Commissioners

ATTEST:

Cindi C. Woodard, Clerk to the Board

Commissioner Monteith seconded the motion. A vote was unanimous.

Resolution –TVA Boundary-Swain/Graham: Commissioner Monteith made a motion to approve the following resolution:



Resolution # 900-2011-04

**STATE OF NORTH CAROLINA
COUNTY OF SWAIN**

“RESOLUTION REQUESTING N.C. GENERAL ASSEMBLY RECOGNITION OF BOUNDARY BETWEEN SWAIN COUNTY AND GRAHAM COUNTY”

WHEREAS, Swain County shares borders with Graham County; and

WHEREAS, the Tennessee Valley Authority has determined the border between Swain and Graham County at the Fontana Dam location was split between the center generator; and

WHEREAS, Swain County has acknowledged the middle of the center generator as the physical line between Swain and Graham Counties; and

WHEREAS, Graham County has acknowledged the middle of the center generator as the physical line between Swain and Graham Counties from 1943 to 2010 (67years); and

WHEREAS, in 1943, upon the construction of the Fontana Dam it is the belief that Swain and Graham County Government and the Tennessee Valley Authority had a verbal agreement establishing the border in the middle of the center generator; and

WHEREAS, state, local and federal maps, prior to 2010, have identified the center of the river as the middle of the center generator;

WHEREAS, the NC Attorney General’s office has indicated, in an advisory letter, that the State should reaffirm the historical border between Swain and Graham Counties;

NOW THEREFORE BE IT RESOLVED:

That the Swain County Board of Commissioners at its March 14, 2011 meeting, adopted this resolution requesting the North Carolina General Assembly to acknowledge the historical border between Swain and Graham County being in the middle of the center generator and as set out in the letter from the Attorney Generals Advisory Letter.

Adopted this the 14th day of March, 2011

Phil Carson, Chairman
Swain County Commissioners

ATTEST:

Cindi C. Woodard, Clerk to the Board

Commissioner Dixon seconded the motion. A vote was unanimous.

Resolution – TVA Formula – PILT: Commissioner Monteith made a motion to approve the following resolution:



Resolution # 900-2011-05

**STATE OF NORTH CAROLINA
COUNTY OF SWAIN**

**RESOLUTION REQUESTING MODIFICATION TO N.C. GEN. STAT. §105-459 ENTITLED
“DETERMINATION OF AMOUNT OF TAXES LOST BY VIRTUE OF T.V.A. OPERATION
OF PROPERTY; PRORATION OF FUNDS”**

The Swain County Board of Commissioners hereby resolves the following:
WHEREAS, Within the borders of Swain County, there is located property owned by and operations carried on by Tennessee Valley Authority (hereinafter “Authority”); and

WHEREAS, the North Carolina General Assembly has adopted N.C.Gen. Stat. §105-459 et seq to establish how the amount of taxes due from the Authority are determined and distributed to the local governments; and

WHEREAS, Swain County receives payments in lieu of taxes as set out in N.C. Gen. Stat. §105-458, et seq from Authority; and

WHEREAS, Section 105-459 of the North Carolina General Statutes provides that calculations for the payments in lieu of taxes shall be made by using the value of assets fixed for Swain County; and

WHEREAS, the Swain County Board of Commissioners believes it to be in the best interest of Swain County and its citizens to create a more fair and equitable way to calculate the payment in lieu of taxes from Authority; and

WHEREAS, the Swain County Board of Commissioners desires and requests that the North Carolina General Assembly modify N.C.Gen. Stat. §105-459 as follows:

The payments received by the State and local governments from the Tennessee Valley Authority (hereafter “TVA”) in lieu of taxes under section 13 of the Act of Congress creating it, and as amended, shall be apportioned between the local governments in which the property is owned or an operation is carried on the basis of each local government’s actual amount of real property, by acreage determination, submerged under TVA reservoirs and upon which TVA operations are carried on, provided: Provided, however, that the minimum annual payment to any local government from said fund, including the amounts paid direct to said local government by the Authority, shall not be less than the amount of annual actual tax loss to such local government based upon the two-year average on said property next prior to it being taken over by the Authority. (1941, c. 85, s. 1; 1959, c. 1060; 2009-569, s. 1.; 2010-_____)

NOW THEREFORE BE IT RESOLVED:

That the Swain County Board of Commissioners at its March 14, 2011 meeting, adopted this resolution requesting the modification to N.C. Gen. Stat. §105-459 as set out hereinabove in order to create a more fair and equitable way to calculate the payments from Authority.

Adopted this the 14th day of March, 2011

Phil Carson, Chairman
Swain County Commissioners

ATTEST:

Cindi C. Woodard, Clerk to the Board

Commissioner Dixon seconded the motion. A vote was unanimous.

DSS Board Appointments: Vice-Chair White nominated Paul Crawley. Commissioner Dixon nominated Georgianna Carson. Commissioner Moon nominated Brian Thomas, Mr. Thomas declined his name as a nomination. Georgianna Carson was appointed to serve on the DSS Board with three votes aye and Commissioner Moon and Vice-Chair White voting for Mr. Crawley. Mrs Carson’s term will expire June 30, 2011.

Budget Amendment #8: Commissioner Monteith made a motion to approve the following Budget Amendment:

SWAIN COUNTY - BUDGET AMENDMENT #8

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, 2011:

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>		
Administration		
West Swain Elementary Project	1,700,000	
<u>General Fund Revenues</u>		
Financing Proceeds		<u>1,700,000</u>
Total	<u>1,700,000</u>	<u>1,700,000</u>

As Clerk of the Board, I certify this budget amendment was approved by the Swain County Board of Commissioners in a Regular Session on March 14, 2011.

Cindi Woodard, Clerk to the Board

Commissioner Dixon seconded the motion. A vote was unanimous.

New Business

None

Informal Discussion

Commissioner Moon addressed the Board about the decision made requesting DSS Board members resign their positions.

Public Comments

Comments were received from the following: Jim Gribble, Betty Sandlin, Bob Thomas, Linda Dills, Anita Curtis, Ruth McCoy, Sheila Sutton, Kim Hight, and Carole Maennle.

Adjournment

With no further business to discuss, Commissioner Monteith made a motion to adjourn. Commissioner Dixon seconded the motion. A vote was unanimous.

Respectfully Submitted,

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

Phil Carson,
Chairman
Swain County Commissioners