

March 12, 2013– Regular Session

The Swain County Board of Commissioners held a Regular Session on March 12, 2013. Present were Chairman Carson, Vice-Chair White, Commissioner Moon, Commissioner Dixon and Commissioner Monteith.

Chairman Carson called the regular session to order and led the pledge of allegiance.

Adjust Agenda

Commissioner Dixon made a motion to adjust the agenda to better facilitate the meeting. Vice-Chair White seconded the motion. A vote was unanimous.

Approval of Minutes

Commissioner Monteith made a motion to approve minutes of the February 12 work session, February 12 regular session and February 26 work session. Commissioner Dixon seconded the motion. A vote was unanimous.

Tax Collector’s Report

Peggy Hyde presented a report to the Board for the month of February 2013. Ad-Valorem tax receivable was reported at \$4,624,934.56. There was \$125,729.30 collected for the month. Total collections year to date were \$4,399,450.63. The tax collection percentage year to date was 82.02%. Total releases were \$1,219.51, total discoveries were \$51.91 and total refunds were \$325.00. Vice-Chair White made a motion to approve the Tax Collector’s report as presented. Commissioner Moon seconded the motion. A vote was unanimous.

Finance Officer's Report

Dean Kowal, Finance Officer, presented a report to the Board for February 2013. Mrs. Kowal report revenues for the month were \$576,930.33. Total revenue year to date is \$10,902,759.17. We have approximately 78.10% of revenues for 2012/2013 fiscal year. Expenditures for the month were \$759,028.97. Year to date we have expended \$9,655,151.42. We have paid out approximately 69.26% of the General Fund appropriations for 2012/2013 fiscal year. Commissioner Monteith made a motion to approve the Finance Report as presented. Commissioner Dixon seconded the motion. A vote was unanimous.

Action Items

Resolution – use of county property: Commissioner Dixon made a motion to approve the following resolution:



Resolution # 900-2013-2

**STATE OF NORTH CAROLINA
COUNTY OF SWAIN**

RESOLUTION APPROVING USE OF COUNTY PROPERTY FOR EVENTS

BE IT RESOLVED, by the Board of Commissioners of Swain County, North Carolina, as follows:

WHEREAS, Swain County Commissioners are authorized pursuant to G.S. 153A to maintain and manage property owned by the County of Swain; and

WHEREAS, There have been specific regional events that could be organized and held on county property that would promote tourism to the County of Swain; and

WHEREAS, The County of Swain owns several buildings, such as the Swain County Indoor Recreation Facility, the Swain County Regional Business Education and Training Center and the Swain County Senior Center, that could host various events that would generate additional tourism to the County of Swain.

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

1. The Swain County Board of Commissioners hereby authorizes the use of the Swain County Indoor Recreation Facility, Swain County Business Training and Education Center and the

Swain County Senior Center for the promotion of tourism for the County of Swain, including but not limited to, exhibitions for particular sporting events and events for the sale of merchandise. For-Profit businesses will be charged a fee of \$500.00 per day.

Adopted this the 12th day of March, 2013

Phil Carson, Chairman

Robert White, Vice-Chair

David Montieth, Member

Steve Moon, Member

Donnie Dixon, Member

Attest:

Cindi C. Woodard, Clerk to the Board

Commissioner Moon seconded the motion. A vote was unanimous.

Resolution – opposing backcountry camping fees for GSMNP: Commissioner Dixon made a motion to approve the following resolution:



Resolution # 900-2013-3

**STATE OF NORTH CAROLINA
COUNTY OF SWAIN**

**A RESOLUTION TO OPPOSE THE BACKCOUNTRY CAMPING FEE FOR THE
GREAT SMOKY MOUNTAINS NATIONAL PARK**

WHEREAS, a significant portion of the Great Smoky Mountains National Park, upwards of 42% of the total Park acreage, is situated in Swain County;

WHEREAS, the history and culture of the Great Smoky Mountains National Park is an integral and important part of the history and culture of Swain County;

WHEREAS, the people of Swain County have a deep connection with the history and culture of the Great Smoky Mountains National Park in that many Swain County residents are descendants of the original inhabitants of the land that is now known as the Great Smoky Mountains National Park;

WHEREAS, many people of Swain County have ancestors buried within the boundaries of the Great Smoky Mountains National Park;

WHEREAS, many Swain County residents use the backcountry campsites to visit the cemeteries wherein their ancestors are buried, to explore the home places that their ancestors occupied, and to enjoy simple outdoor recreation;

WHEREAS, the Great Smoky Mountains National Park has 8 to 10 million visitors per year, making it the most visited national park in the United States of America;

WHEREAS, the small businesses in Swain County enjoy the revenue that is realized through visitation to the Great Smoky Mountains National Park and Swain County derives direct benefit from the sales tax revenue that is collected from the purchases made by those visitors;

WHEREAS, the current administration of the Great Smoky Mountains National Park has arbitrarily decided to impose a fee in the amount of \$4.00 per person, per night, for the activity of backcountry camping for all of the backcountry campsites and shelters in the Great Smoky Mountains National Park;

WHEREAS, backcountry camping is differentiated from front country camping in that no amenities are provided to campers other than the metal cables that are constructed to raise campers'

gear and food above the level at which bears can access said gear and food;

WHEREAS, the imposition of the backcountry camping fee marks the first time in the history of the Great Smoky Mountains National Park that a fee has been imposed upon a select group of individuals who are not provided any amenities and who are not using Park grounds for a commercial purpose;

WHEREAS, significant questions have arisen with regard to the necessity of the backcountry camping fee, the manner in which it was imposed, the allocation of the fees collected, and the lawful implementation of the backcountry camping fee;

WHEREAS, the administration of the Great Smoky Mountains National Park has failed to provide adequate proof for its justification of the necessity of the backcountry camping fee or the allocation of the backcountry camping fee and has otherwise refused to directly address the concerns of those individuals who have presented varied and valid arguments as to the necessity and allocation of such fees;

WHEREAS, it has been understood in Swain County from the creation of the Park onward that there would be no charge to enter the Park;

WHEREAS, the Swain County Commission has a genuine concern that the imposition of the backcountry camping fee and backcountry reservation system may hinder the use of the backcountry campsites by Swain County families who engage in backcountry camping to strengthen familial bonds, reflect on the history and culture of their ancestors, fish, and enjoy nature;

WHEREAS, there is no demonstrated justification for the fee and indeed the justifications have changed repeatedly during the course of the movement toward imposition of the fee;

WHEREAS, the Swain County Commission has a genuine concern that the imposition of this unique fee may lay the groundwork for the imposition of other fees for the use of the Great Smoky Mountains National Park, which may further reduce park visitation to the detriment of Swain County's small businesses and government.

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Swain County, North Carolina, meeting in session on this, the 12th day of March, 2013, that the Swain County Commission formally opposes the imposition of the backcountry camping fee for the Great Smoky Mountains National Park set to take effect on March 12, 2013, and further opposes the imposition of any fee for the use of the Great Smoky Mountains National Park that is not directly associated with the use of amenities or a commercial purpose.

BE IT FURTHER RESOLVED that this Resolution shall take effect from and after its passage the public welfare requiring it also, the Board would request the Clerk to the Board to send a letter to our Representatives requesting they forward a letter asking the National Park Service, on behalf of North Carolina, to eliminate fees imposed February 13, 2013.

Adopted this the 12th day of March, 2013

Phil Carson, Chairman

Robert White, Vice-Chair

David Montieth, Member

Steve Moon, Member

Donnie Dixon, Member

Attest:

Cindi C. Woodard, Clerk to the Board

Commissioner Monteith seconded the motion. A vote was unanimous.

Resolution – establishing National Park Cemeteries Accessibility Council: Vice-Chair White made a motion to approve the following resolution:



Resolution # 900-2013-4

**STATE OF NORTH CAROLINA
COUNTY OF SWAIN**

**RESOLUTION ESTABLISHING SWAIN COUNTY NATIONAL PARK CEMETERIES
ACCESSIBILITY COUNCIL**

BE IT RESOLVED, by the Board of Commissioners of Swain County, North Carolina, as follows:

WHEREAS, Swain County Commissioners are concerned that citizens can't adequately access cemeteries in the GSMNP; and

WHEREAS, The Board agrees the Americans with Disability Acts laws and regulations are a priority of Swain County and has made an effort over the years to comply with all ADA accessibility requirements for all buildings and parks; and

WHEREAS, The citizens of Swain County need to have representation to maintain the current accessibility as established in the agreement of 1931 and 1933; and

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

The Swain County Board of Commissioners hereby authorizes establishment of a National Park Cemeteries Accessibility Council to serve as a liaison with the Great Smoky Mountains National Park Service to allow citizens access to cemeteries in the Great Smoky Mountains National Park.

Adopted this the 12th day of March, 2013

Phil Carson, Chairman

Robert White, Vice-Chair

David Monteith, Member

Steve Moon, Member

Donnie Dixon, Member

Attest:

Cindi C. Woodard, Clerk to the Board

Commissioner Monteith seconded the motion. A vote was unanimous.

Resolution – adopting Hazard Mitigation Plan: Commissioner Monteith made a motion to approve the following resolution:



Resolution 900-2013-5

Resolution of Adoption for the Swain County Hazard Mitigation Plan

WHEREAS, the citizens and property within Swain County are subject to the effects of natural hazards that pose threats to lives and cause damage to property, and with the knowledge and experience that certain areas of the county are particularly vulnerable to snow and ice storms, high wind, flooding, forest fires, earthquakes and other natural and manmade hazards; and

WHEREAS, the County desires to seek ways to mitigate the impact of identified hazard risks; and

WHEREAS, the Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina

General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Legislature of the State of North Carolina has in Section 1 Part 166A of the North Carolina General Statutes (adopted in Session Law 2001-214—Senate Bill 300 effective July 1, 2001), states in Item (a) (2) “For a state of disaster proclaimed pursuant to G.S. 166A-6(a) after August 1, 2002, the eligible entity shall have a hazard mitigation plan approved pursuant to the Stafford Act”; and

WHEREAS, Section 322 of the Federal Disaster Mitigation Act of 2000 states that local governments must develop an All-Hazards Mitigation Plan in order to be eligible to receive future Hazard Mitigation Grant Program Funds and other disaster-related assistance funding and that said Plan must be updated and adopted within a fire year cycle, and

WHEREAS, the County of Swain, North Carolina has performed a comprehensive review and evaluation of each section of the previously approved Hazard Mitigation Plan and has updated the said plan as required under regulations at 44 CFR Part 201 and according to guidance issued by the Federal Emergency Management Agency and the North Carolina Division of Emergency Management; and

WHEREAS, it is the intent of the Board of Commissioners of Swain County to fulfill this obligation in order that the County will be eligible for federal and state assistance in the event that a state of disaster is declared for a hazard event affecting the County;

NOW, therefore, be it resolved that the Board of Commissioners of Swain County hereby:

1. Adopts the Smoky Mountain Regional Hazard Mitigation Plan; and
2. Vests Swain County Emergency Management with the responsibility, authority, and the means to:
 - (a) Inform all concerned parties of this action.
 - (b) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map and identify floodplain areas, and cooperate with neighboring communities with respect to management of adjoining floodplain areas in order to prevent exacerbation of existing hazard impacts.
3. Appoints the Swain County Emergency Management to assure that the Hazard Mitigation Plan is reviewed annually and every five years as specified in the Plan to assure that the Plan is in compliance with all State and Federal regulations and that any needed revisions or amendments to the Plan are developed and presented to the Board of Commissioners for consideration.
4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the Hazard Mitigation Plan.

Adopted this the 12th day of March, 2013

Phil Carson, Chairman
Swain County Commissioners

Attest:

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

Commissioner Dixon seconded the motion. A vote was unanimous.

Appointment – Child Protection Team: Commissioner Moon made a motion to appoint Jennifer Standingdeer as Chair of the Child Protection Team with her term to expire June 30, 2016. Commissioner Dixon seconded the motion. A vote was unanimous.

Appointment – Juvenile Crime Prevention Council: Vice-Chair White made a motion to appoint the following to the JCPC to fill out terms: Bob Marr, Rick Tabor, Crystal Freeman, Sybil Mann, Diane Whitman, Paula Demonet, Chris Coleman, Kevin King, Lisa Weeks, Ted Duncan, David Monteith, Amy Boston, Lindsay Taylor, Eric Stiles, Richlyn Holt, Karen Wilmont, Alison Cochran, Ken Mills, Jim Brown, Melissa Barker, Rhonda Cooper, Curtiss Graham, Cindi Woodard, Dean Kowal, Nira Franklin and Ann Rickman. Commissioner Moon seconded the motion. A vote was unanimous.

New Business: None

Informal Discussion: None

Public Comment: None

Adjournment

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