

February 14, 2019– Regular Session

The Swain County Board of Commissioners held a Regular Session on February 14, 2019 Present were Chairman Bushyhead, Commissioner Parton, Commissioner Parsons and Commissioner Seagle. Vice-Chair Burns was absent.

Chairman Bushyhead called the regular session to order and led the Pledge of Allegiance.

Adjust Agenda

Commissioner Parsons made a motion to adjust the agenda as needed. Commissioner Seagle seconded the motion. A vote was unanimous.

Finance Officer's Report

Kevin King presented the Finance Officer’s report for January 2019. Revenues for the month were \$2,150,590.74. Total revenue year to date is \$10,145,606.90. We have approximately 60.58% of revenues for 2018/2019 fiscal year. Expenditures for the month were \$1,264,146.60. Year to date we have expended \$9,103,674.22. We have paid out approximately 54.36% of the General Fund appropriations for 2018/2019 fiscal year. Commissioner Parsons made a motion to approve the Finance Officer’s Report as presented. Commissioner Parton seconded the motion. A vote was unanimous.

Tax Collector’s Report

Peggy Hyde gave the Tax Collector’s report to the Board for the month of January 2019. Ad-Valorem tax receivable was reported at \$5,675,642.72. There was \$1,008,926.69 collected for the month. Total collections year to date were \$5,816,405.83. The tax collection percentage year to date was 91.26%. Total releases were \$757.27, total discoveries were \$5,079.38 and total refunds were \$755.37. Commissioner Seagle made a motion to approve the Tax Collector’s report as presented. Commissioner Parsons seconded the motion. A vote was unanimous.

Budget Amendment

Commissioners Parsons made a motion to approve the following:

SWAIN COUNTY - BUDGET AMENDMENT #7

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, 2019:

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>		
Building and Grounds-	52,000	
<u>General Fund Revenues</u>		
Appropriated Fund Balance		<u>52,000</u>
Total	52,000	52,000
<u>Human Services Fund</u>		
Health Operating Expenses		
General Supplies	1,200	
Environmental Supplies	2,500	
Child Health Supplies	3,600	
General Salaries	2,800	
WIC/CS Supplies	1,118	
General Misc	25,021	
Health- Revenue		
Miscellaneous		1,200
Environmental- Local		2,500
Child Health		6,400
WIC/CS		1,118
Dental		12,500
General Misc.		<u>12,521</u>
Total	36,239	36,239

As Clerk of the Board, I certify the Swain County Board of Commissioners in a Regular

Session approved this budget amendment on February 14, 2019.

Cindi Woodard, Clerk to the Board

Commissioner Seagle seconded the motion. A vote was unanimous.

Public Comments: None

Action Items

- Approval of Minutes: Commissioner Parton made a motion to approve minutes of the January 10 regular session, January 14 work session with the Town of Bryson City, January 16 budget work session, January 24 work session and January 28 work session with the Swain County Board of Education. Commissioner Parsons seconded the motion. A vote was unanimous.

-Health Department Tobacco Free Campus Policy/Procedures Revision: Commissioner Parsons made a motion to approve the following revision as submitted:

**SWAIN COUNTY HEALTH DEPARTMENT TOBACCO FREE CAMPUS
POLICY AND PROCEDURE**

PURPOSE

Swain County Health Department is dedicated in directing Swain County to become a healthier community with healthy people living in a healthy environment. The Swain County Health Department is committed to providing a healthful, comfortable and productive work environment for employees and as an example to our clients and our community, will be a facility that will be entirely tobacco and smoke-free.

POLICY

Swain County Health Department is a tobacco-free campus. This includes smoking, tobacco use and all types of electronic nicotine delivery systems. This policy applies to all employees, clients, contractors, vendors and visitors. The success of this policy will depend upon the thoughtfulness, consideration and cooperation of all staff.

DEFINITIONS

NA

APPLICABLE LAWS, RULES AND REGULATIONS

NC General Statutes

RESPONSIBLE PERSON(S)

Swain County Health Department staff, clients and visitors

All individuals share in the responsibility for enforcing and adhering to this policy.

PROCEDURE

A copy of this policy will be placed in the new employee's Orientation Manual and reviewed.

Other employees will be trained and updated according to the Continuation Education/Training Policy guidelines.

Appropriate signage will be posted at all Health Department building entrances and on the grounds.

Any problems with enforcement or adherence to this policy should be brought to the attention of the appropriate supervisor and handled through the normal chain-of-command. Employees who violate this policy will be subject to the same disciplinary actions that accompany infractions of other department rules.

This policy will take effect upon endorsement by the Swain County Board of Commissioners.

REFERENCE PLANS AND POLICIES

NA

Commissioner Seagle seconded the motion. This item was approved with 3 voting aye and Commissioner Parton voting nay.

-2019 Health Department Fee Schedule: Commissioner Parsons made a motion to approve the fee schedule for clinic services including preventative, office visits, in house labs, reference labs, family planning, procedures, supplies, drug screens, vaccines, injections, nutrition services, car seats, CPR onsite wastewater evaluations and inspection fees, well construction authorization permit fees, water sample application fees and other application fees as submitted.

Commissioner Seagle seconded the motion. A vote was unanimous.

-Settlement Resolution: Commissioner Parsons made a motion to approve the following:



Resolution # 900-2018-4

STATE OF NORTH CAROLINA
COUNTY OF SWAIN

**RESOLUTION CALLING FOR THE NC GENERAL ASSEMBLY TO MODIFY
SENATE BILL 1646 OF SESSION 2007**

The Swain County Board of Commissioners hereby resolves the following at a regularly assembled meeting:

WHEREAS, the North Carolina General Assembly has enacted Senate Bill 1646 in the 2007 session of the assembly; and

WHEREAS, the legislation is entitled “AN ACT TO PROVIDE FOR THE ORDERLY FISCAL MANAGEMENT OF ANY MONETARY SETTLEMENT OF THE 1943 AGREEMENT BETWEEN SWAIN COUNTY AND THE UNITED STATES DEPARTMENT OF INTERIOR”; and

WHEREAS, Section #3 of Senate Bill 1646 establishes the methodology and accountability of the North Carolina State Treasurer to manage and distribute funds to Swain County on an ongoing basis as determined by the NC State Treasurer. This legislation details the amount of interest funds that can be drawn down on a yearly basis, more specifically in section (b) the bill reads , “...provided that disbursements to Swain County under this subsection in any fiscal year shall not exceed the total interest and investment income earned by the Fund in that fiscal year.”; and

WHEREAS, the North Carolina State Treasurers office has given Swain County the authority to manage the investment portfolio of the fund, by allowing investment into two different financial portfolios, one being the Bond Index Fund (BIF), the other in the Short Term Investment Account (STIF).; and

WHEREAS, other counties and entities that have funds invested with the North Carolina State Treasurers has the authority to invest those funds in an Equity Investment Fund (EIF); and
NOW THEREFORE BE IT RESOLVED by the Swain County Board of Commissioners:

- (1) Section (b) of the Senate Bill 1646 of Session Law 2007 be amended to give authority to the Swain County Commissioners to draw down all interest gained by the Swain County Settlement Trust Fund since the creation of the fund.
- (2) That the Swain County Board of Commissioners be allowed to invest the principle of the fund in the Equity Investment Fund (EIF) as established by the NC State Treasurers office.

The motion to adopt this resolution was made by: _____, seconded by _____ and passed by a vote of ____ to ____.

Adopted this the ____ day of _____, 2019.

Ben Bushyhead, Chairman
Swain County Commissioners

ATTEST:

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

Commissioner Seagle seconded the motion. A vote was unanimous.

-Swain County High School Access Road Resolution: Commissioner Parton made a motion to approve the following:



Resolution # 900-2019-02

**STATE OF NORTH CAROLINA
COUNTY OF SWAIN**

**RESOLUTION REQUESTING NC DEPARTMENT OF TRANSPORTATION
TO DESIGN AND BUILD A NEW ACCESS ROAD ON THE CAMPUS
OF SWAIN COUNTY HIGH SCHOOL**

WHEREAS, Swain County High School has been awarded a critical needs grant through the North Carolina Department of Public Instruction; and

WHEREAS, the Board of Commissioners and Board of Education of Swain County are in the process of designing a new addition to the campus of the Swain County High School with the funds from the critical needs grant; and

WHEREAS, the entrance to the facility has one ingress and one egress that is used by both buses and other vehicular traffic including, but not limited to parent, student, teacher, and delivery vehicles; and

WHEREAS, the new additions to the building will allow for there to be a new student drop off and new bus drop off area; and

WHEREAS, the new addition to the facility will have one entrance for visitors. This will allow safety features to be placed in the building to keep the students, faculty and staff safe from potential threats; and

WHEREAS, Swain County High School was not designed to have an egress from the back side of the campus as per modern requirements set forth in North Carolina Department of Public Instruction planning division; and

WHEREAS, when the school day is beginning and ending there is significant traffic issues at the entrance to the campus; and

WHEREAS, a new access road will allow the busses to access campus without using the main entrance during the congested times of the day;

THEREFORE BE IT RESOLVED, the Swain County Board of Commissioners are requesting the North Carolina General Assembly to appropriate funds to the Department of Transportation for the purpose of designing and constructing a new access road on the campus of Swain County High School.

Adopted this the 14th day of February, 2019.

Ben Bushyhead, Chairman
Swain County Commissioners

ATTEST:

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

Commissioner Parsons seconded the motion. A vote was unanimous.

-Tobacco Ordinance Process: Commissioner Parsons made a motion to move forward with this

process by placing the draft on public display and planning a public hearing. Commissioner Seagle seconded the motion. This item was approved with 3 voting aye and Commissioner Parton voting nay.

-Southwestern Child Development Commission appointments: Commissioner Parton made a motion to appoint Sheila Sutton, Lottie Barker and Sonia Monteith. Commissioner Parsons seconded the motion. A vote was unanimous.

-Opening Prudential 457B: Commissioner Parsons made a motion to open Prudential 457B as an option for employees. Commissioner Seagle seconded the motion. A vote was unanimous.

-Review Officer Resolution: Commissioner Parton made a motion to approve the following:



Resolution # 900-2019-03

**STATE OF NORTH CAROLINA
COUNTY OF SWAIN**

RESOLUTION REVOKING/APPOINTING REVIEW OFFICERS

WHEREAS, SL 1997-309 (S875) makes a number of significant changes in the procedures for recording maps and plats; and

WHEREAS, the main purpose of the law is to transfer the responsibility for reviewing plats to determine whether they meet recording requirements from the Register of Deeds to a Review Officer; and

WHEREAS, the new GS 47-30.2 requires the Board of County Commissioners in each county, by resolution, to appoint a person to serve as Review Officer to review each plat before it is recorded and certify that it meets the statutory requirements for recording; and

WHEREAS, it is the desire of the Swain County Board of Commissioners to insure an expeditious review of all maps and plats as required by GS 47-30.2 before they are presented to the Register of Deeds for recording.

NOW THEREFORE, BE IT RESOLVED, effective February 14th, 2019, that Peggy Hyde, Kevin Seagle, Ruth Ann Sitton, Bill Marr and Ramona Powell be revoked as Review Officers for the County of Swain.

NOW THEREFORE, BE IT RESOLVED, effective February 14th, 2019, that Ruth Ann Sitton, Ramona Powell, Jessica Danner, Dawn Zalva and Terrie Snow is hereby appointed to perform all responsibilities as required for Review Officer under the appropriate North Carolina General Statutes.

BE IT FURTHER RESOLVED, that a copy of this Resolution designating the Review Officers be recorded in the Swain County Register of Deeds Office and indexed in the name of the Review Officer.

Adopted this the 14th day of February, 2019.

Ben Bushyhead, Chairman
Swain County Commissioners

ATTEST:

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

Commissioner Parton seconded the motion. A vote was unanimous.

County Manager's Report – Kevin King

- The audit has been completed and includes only one finding of the sanitation department's weakness in the financial report. Mr. King noted he is searching for a method to dissolve this fund and include it in General Fund during the next budget cycle.
- Chris Ferris has begun the re-val process by auditing maps. Ramona Powell will be doing map auditing overlaying the current maps and will be working with the Inspection's Department for buildings, to assure accuracy. Pictometry (Eagle View) will be flying over the county for the next 20 days to obtain imagery of the area and should have that part completed by April.
- Courthouse renovations – The District Court Room should be finished by Monday and phase 1 is scheduled to be completed within the next couple months and will stop renovations until the next budget cycle.
- The Heritage Museum's dome has been restored the lighting is being fixed.
- Mr. King relayed that he met with the Department of Commerce regarding strategic planning and is meeting with Western Carolina University and a couple consultants next week.
- The Swain County High School renovations process will begin with the bidding process in March. Financing requests for proposal have been sent out.
- Mr. King reminded the Board of the Sunshine Laws which prohibits more than 2 members to meet together at one time while conducting county business.

Commissioner Reports

Roger Parsons: Attended the following

- Met with the Giving Spoon; The first meal is planned for February 21, 2019 from 4:00 pm – 6:00 pm and will continue once per week on Thursday. A fundraiser meal is planned for the 2nd Wednesday of each month.
- Met with Four Square
- Plans to attend the DSS supervisor's meeting next week.

Kenneth Parton:

- Met with SCC @ Almond regarding Paul Wolf's complaint of disturbance in his office from exercise/dance classes held in the gym.
- Plans attend the next meeting scheduled with Dr. Thomas to work toward a resolution.

Kevin Seagle:

- Met with Vaya Health regarding the new Medicaid transition
- Participated in the Juvenile Crime Prevention Council's monitoring visit at Hawthorn Heights
- Gave an update on the shed to be constructed at the Sanitation Department.

Ben Bushyhead:

- Met with TDA & Chamber of Commerce regarding downtown parking and tying into the new barn, aquarium and farmer's market
- Requested access to e-editions of all local papers
- Relayed information found in the Asheville Citizen Times about China contamination causing Asheville recycle contamination
- Gave an update on his meeting with David Breedlove at the 911 Dispatch Office and encouraged others to visit for a tour
- Relayed the EBCI contributed \$100,000 to Swain County Schools to furnish the new multipurpose building.

Old Business

None

Closed Session

None

Adjournment

Commissioner Parsons made a motion to adjourn. Commissioner Seagle seconded the motion. A vote was unanimous.

Respectfully Submitted,

Cindi C. Woodard
Clerk to the Board
Swain County Commissioners

Ben Bushyhead
Chairman
Swain County Commissioners