



MAY TOWN COUNCIL REGULAR MEETING

Tuesday, May 17, 2022 at 6:00 PM
RUTH TOWN HALL

AGENDA

CALL TO ORDER

INVOCATION

ROLL CALL

AGENDA ADOPTION

GUEST SPEAKERS

COMMUNITY FORUM

APPROVAL OF LAST MEETING'S MINUTES

OLD BUSINESS

1. Town Landscaping/Green Space for Ruthridge Entrance-David has submitted this item to be revisited.

COMMITTEE REPORTS

2. Financial Reporting-The reports are attached and in your packets which were emailed to you. I would like to amend the following: 10-367-02 Sales & Use increase \$5,000.00. We are already over by almost \$3,000.00 and we have a month and a half to go. We may have to adjust prior to year end, but I'd rather not be over. I am also recommending we amend 10-367-03 Franchise & Utility increasing by \$500.00. I'm asking for a motion and a second to process these amendments. Thank you for your consideration. I will be sending you a separate packet for adobe sign with the bank statements and the bank reconciliations. So, please be on the lookout for those. You guys know the drill by now. It goes to the first, then after signature to the next, the to the final member for signature.

Be mindful our budget hearing will be on June 21st. I will submit the proposed budget to you by the 18th of this month. In between the 18th and June 4th, we can organize a budget workshop if the board feels it necessary to make adjustments in the proposal.

The advertisement regarding the public hearing will be submitted to the paper to run three weeks prior to the June 21st public hearing. It has already been submitted (and is attached here) to run on 6/4, 6/11, & 6/18. Reminder after the board reviews and signals approval of the final proposal, it will be posted in the bulletin board outside the Town hall and I will post it on the website. Therefore, this proposed budget document will need to be confidently accepted before 6/4. So, you will have from 5/18 to 6/4 to tease out any changes prior to posting. That's 17 days to review and massage. If any of you feel uncomfortable with this schedule and task timeline, you better speak up. Thank you

NEW BUSINESS

3. Grant Project Ordinance-Amie has attached a proposed ordinance for ARPA activity. This is a requirement and she would like to present it to the Board for review and adoption. The document is attached.
4. Wright Brothers Construction Company, Inc.- The Town was contacted with questions regarding trailers/RVs within the Town's boundaries. This is related to NCDOT new highway activity. Amie spoke extensively with a representative from Wright Brothers Construction (subcontractor for NCDOT) Amie will share the conversation with the board.

5. Keep Rutherford County Beautiful-The TDA reached out to David, copying me regarding a request for donation. The document is attached. I felt it should at least be on the agenda so council is aware of the ask.
6. Leash Ordinances-David has submitted this item for discussion.
7. Smoking focus and education within the Town of Ruth-David submitted this item for discussion and consideration. Materials are attached.

There is a second document they wish you to review titled "Important Facts on Smoking and COVID-19"

It's featured in the middle of home page on the tab labeled "Featured Content" I have inserted the link to their page below. You can copy and paste in your URL bar or highlight the below text, right click on your mouse and select go to page.

<https://www.tobaccopreventionandcontrol.ncdhhs.gov/>

ADJOURNMENT

In accordance with the Americans with Disabilities Act, persons who need accommodation to attend or participate in this meeting should contact Town Hall at (828) 287-7943 within 48 hours prior to the meeting to request such assistance.

Grant Project Ordinance for the Town of Ruth American Rescue Plan Act of 2021: Coronavirus State and Local Fiscal Recovery Funds

BE IT ORDAINED by the town council of the Town of Ruth, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

Section 1: This ordinance is to establish a budget for a project to be funded by the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF). The Town of Ruth has received the first tranche in the amount of \$65,811.02 of CSLFRF funds. The total allocation is \$131,622.04 with the remainder to be distributed to the Town within 12 months. These funds may be used for the following categories of expenditures, to the extent authorized by state law.

1. Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff.
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector.
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic.
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

Section 2: The Town has elected to take the standard allowance, as authorized by 31 CFR Part 35.6(d)(1) and expend all its ARP/CSLFRF funds for the provision of government services.

Section 3: The following amounts are appropriate for the project and authorized for expenditure:

Internal Project Code	Project Description	Expenditure Category (EC)	Cost Object	Appropriation of ARP/CSLFRF Funds
001	General administration services for period of July 1, 2021 through December 31, 2024	6.1	Salaries	131,622.04
	Unassigned			
	TOTAL			\$131,622.04

Section 4: The following revenues are anticipated to be available to complete the project:

ARP/CSLFRF Funds: \$131,622.04
General Fund Transfer: \$0
Total: \$131,622.04

Section 5: The Finance Officer is hereby directed to maintain sufficient specific detailed accounting records to satisfy the requirements of the grantor agency and the grant agreements, including payroll documentation and effort certifications, in accordance with 2 CFR 200.430 & 2 CFR 200.431 and the Town’s Uniform Guidance Allowable Costs and Cost Principles Policy. **[FOR MORE INFO ON ALLOWABLE COSTS AND A SAMPLE POLICY, CLICK [HERE.](#)]**

Section 6: The Finance Officer is hereby directed to report the financial status of the project to the governing board on a quarterly basis.

Section 7: Copies of this grant project ordinance shall be furnished to the Budget Officer, the Finance Officer and to the Clerk to Town Council.

Section 8: This grant project ordinance expires on December 31, 2026, or when all the ARP/CSLFRF funds have been obligated and expended by the Town, whichever occurs sooner.

May 6th, 2022

Town of Ruth,

I am reaching out to you today on behalf of Keep Rutherford County Beautiful (KRCB), an organization that is working towards truly making Rutherford County beautiful and as litter free as possible. Our organization is dedicated to making that happen but we need your help.

Your donation will bring us closer to reaching our goal for the 2022-2023 fiscal year of having more than 150 miles of roadway professionally cleaned of litter. KRCB currently holds two litter sweeps throughout the year; one in April during Earth month and the other in September, known as the Trash Bowl. We work to gather volunteers for each of these events and we are able to cover many roadways. However, many roadways are not deemed safe for our volunteers to be on, due to high speed limits or tight shoulders to mention a few obstacles.

We are asking for a pledge in the donation amount of \$1,000 for the upcoming fiscal year. It is important to us that when visitors arrive into the county, that they are greeted by clean roadways. We are asking for your pledge to help us build a better tomorrow.

Thank you for your consideration of this opportunity and thank you for your support to Keep Rutherford County Beautiful. If you have any questions, please reach out to Taylor Hardin at Taylor.Hardin@rutherfordcountync.gov or by phone at 828-287-6013.

Sincerely,



Taylor Hardin
Rutherford County Tourism
Marketing Coordinator

Don Cason
Rutherford County Tourism
Executive Director

KeepRCNCBeautiful.org
facebook @KeepRCNCBeautiful

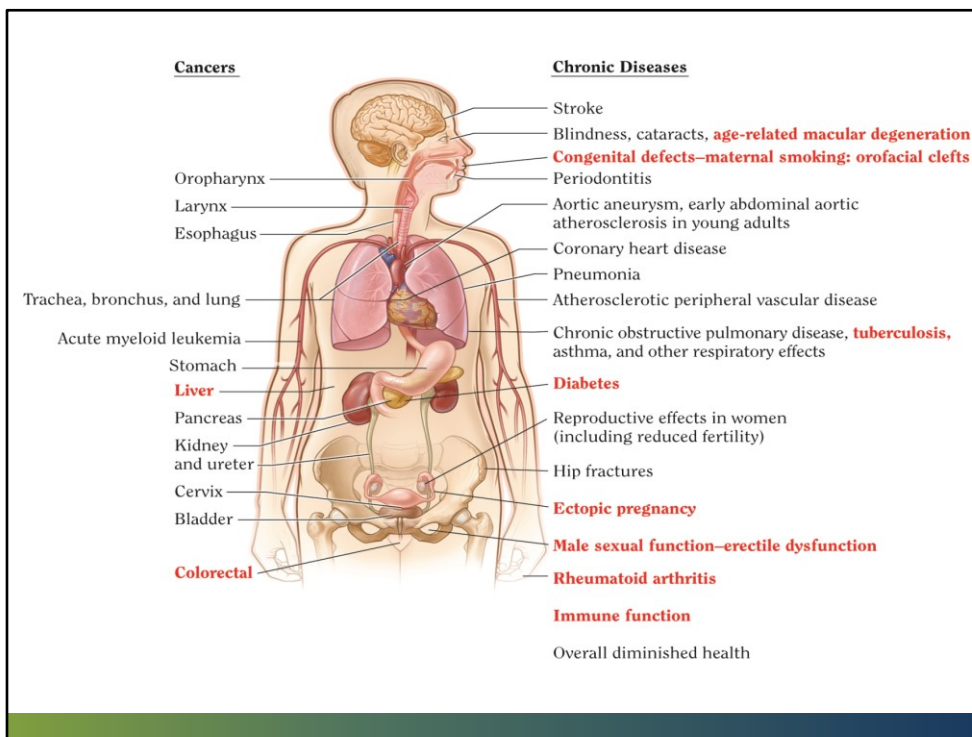
Local Government Tobacco-Free Policies: From Challenge To Success

Town of Ruth
April 4, 2022



What we will cover

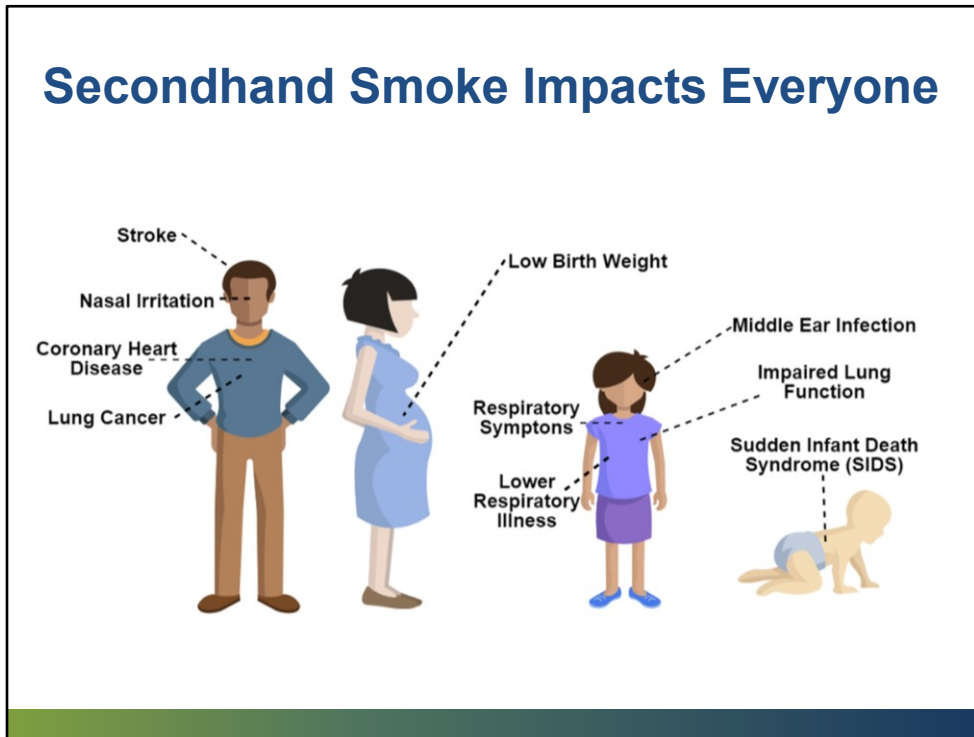
- 1) Toll of Tobacco Use – Key Points
- 2) Evidence-based Solutions
- 3) Local Government Authority to Regulate Tobacco
- 4) E-cigarettes
- 5) What is Left Unchecked in Your Community



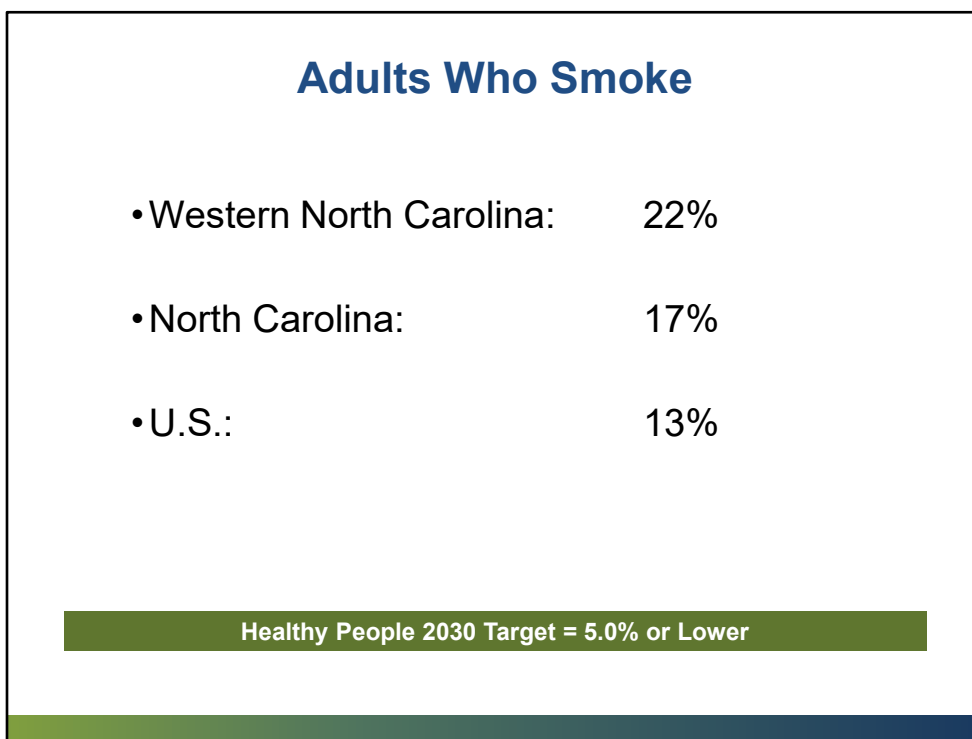
Scientists have identified more than 7,000 chemicals and chemical compounds in tobacco smoke. At least 70 of them are known to **cause** cancer.

Tobacco use is still the leading **preventable** cause of death and disease in North Carolina

This diagram is from the 2014 US Surgeon General's Report on Smoking and illustrates that smoking damages nearly every part of the body.



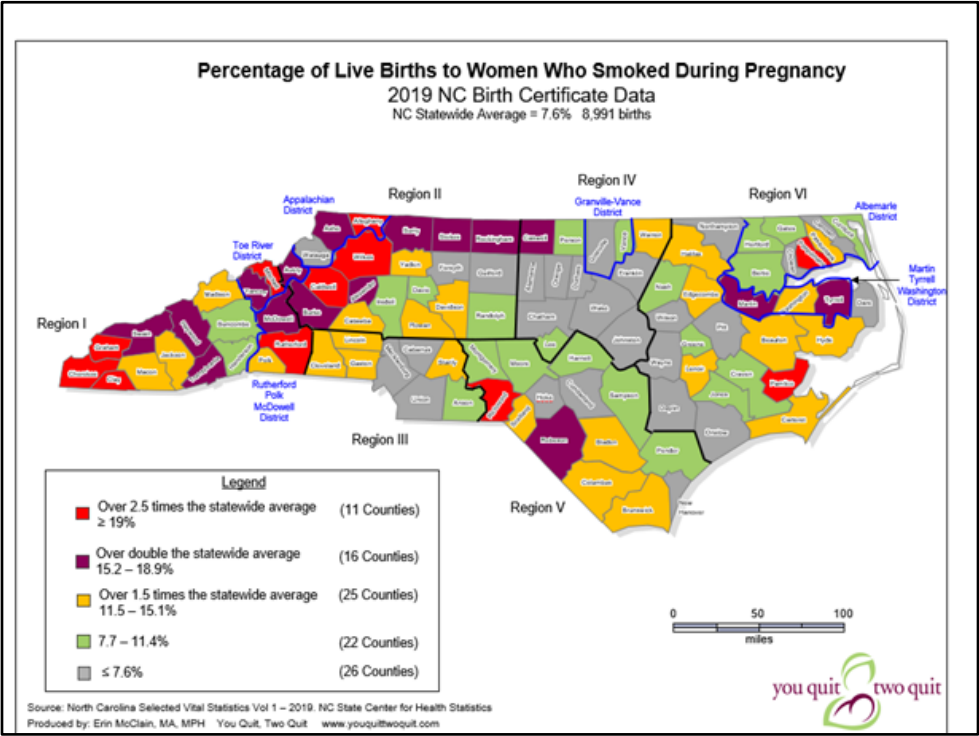
- Secondhand smoke contains the same toxins that are inhaled by those who are actively smoking
- There are more than 7,000 chemicals in secondhand smoke
- 41,000 **nonsmokers** die every year in this country due to secondhand smoke exposure
- even short exposures can trigger a heart attack in those who have heart disease or even risk factors for heart disease like high blood pressure and high cholesterol
- According to the US Surgeon General, there **is** no risk-free level of secondhand smoke exposure.



According to the NC Behavioral Risk Factor Surveillance Systems, (2020), 22% of adults in western North Carolina smoke

By comparison: the NC rate of adult smoking is 17%, and US adult rate is 13%

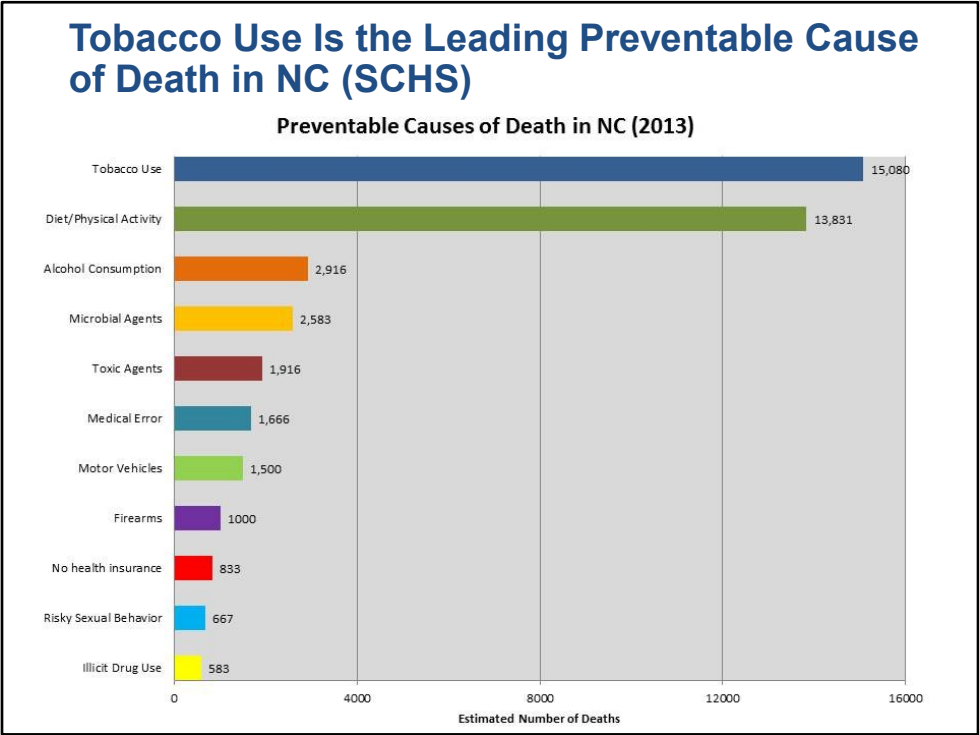
The Healthy People 2030 Target is 5% or lower



smoking during **pregnancy** increases the risk of babies being born too early **and** too small which can cause a whole host of lifelong complications.

This map from the state center for health statistics. illustrates the smoking rates of women during pregnancy.

Rutherford County - shown here in red has a rate over 2.5 x the state average for women who smoked during pregnancy.



This graph illustrates that Tobacco use is still the leading cause of preventable death in the state,

Over 15,000 people die every year in NC from tobacco use. that is about 41 people every day, which is about like 2 school buses full of people.

For every person who dies from smoking-related disease, 30 more people suffer with at least one serious illness from smoking.

And is still a major public health **threat** that needs to be addressed.

Economic Costs of Smoking in North Carolina

- ▶ NC annual healthcare costs caused by smoking:
\$3.81 billion (direct costs)
- ▶ Rutherford County residents estimated, annual tax burden from smoking –caused government expenditures
\$1,421/ per household
\$39.7 million: Rutherford

the financial costs of smoking are hefty

- Nearly \$4 Billion dollars is spent every year in NC on direct medical costs from just cigarette smoking
- In Rutherford county alone, an estimated \$39.7 million is spent every year on smoking-caused government expenditures (ex. Medicaid costs),

and that breaks down to 1,421 per household every year in taxes for smoking-related expenses.

27,970 households in Rutherford County (2019)

The Community Preventive Services Task Force strongly recommends smoke-free policies to



- Reduce exposure to secondhand smoke
- Reduce the prevalence of tobacco use
- Increase the number of tobacco users who quit
- Reduce the initiation of tobacco use among young people
- Reduce tobacco-related morbidity and mortality, including acute cardiovascular events
- Reduce healthcare costs substantially

According to the science: Tobacco free policies are recommended as one of the **most** effective ways to do all of these things listed here;

Local Government Authority to Regulate Smoking

A local government may adopt and enforce ordinances, board of health rules, and policies restricting or prohibiting smoking that are more restrictive than state law and that apply to:

- Local Government Buildings
- Local Government Vehicles
- Local Government Grounds
- Enclosed Public Places

NCGS § 130A-498

Since the passing of our state SF Restaurants and Bars Law that went into effect January 2010, the law **also** gave local governments authority to further restrict smoking in local government buildings vehicles, grounds and enclosed public places

Local Governments Have Authority to Regulate Smoking in Local Government Buildings



“A building owned, leased or occupied by a local government” G.S. §130A-492(8)

- Health Department Buildings
- Courthouses
- Police Departments
- County Libraries
- Other government facilities

a Local Govt. Building by state law is defined a building owned, leased or occupied by a local government.

Examples would be courthouses, townhalls, police departments, county libraries, and such.

Local Governments Have Authority to Regulate Smoking in **Local Vehicles**



“A passenger-carrying vehicle owned, leased, or otherwise controlled by local government”
G.S. §130A-492(9)

- County and Municipal Vehicles
- Buses



A local vehicle is defined by the law, as



Local Governments Have Authority to Regulate Smoking on Local Government Grounds

“An unenclosed area owned, leased or occupied by local government” G.S. § 130A-492(6)

- Grounds on or next to city or county government buildings
- Parking lots
- Parks
- Sidewalks maintained/controlled by the city or county
- Bus stops
- Other outdoor facilities

Local government grounds are defined as an unenclosed area ...



Local Governments Have Authority to Regulate Smoking in **Public Places**

“An enclosed area to which the public is invited or in which the public is permitted”
G.S. §130A-492(14)

- Grocery stores
- Shopping centers
- Banks
- Laundry mats
- Bowling alleys
- Movie theaters
- Other places where the public is permitted

And, local governments do have authority under this law to prohibit smoking in enclosed areas that the public is invited or permitted, such as:

Public places where public is allowed or permitted.

Laundry mats
Gas stations
Convenience stores

Who Can Regulate Smoking?

Board of County Commissioners

- May adopt an ordinance that applies to unincorporated areas
- If city agrees, ordinance may apply within incorporated areas

Municipal Governing Board

- May adopt an ordinance that applies within the city limits
- May pass a resolution agreeing to have county ordinance apply within the city

- The boards that have authority to regulate smoking
- a BOCC can adopt an ordinance in the unincorporated areas in the county.
 - And if a city or town agrees the ordinance can also apply to the incorporated areas
- city or town council, can restrict smoking within their jurisdiction
 - or they may also pass a resolution allowing the county ordinance apply within the city or town limits

Who Can Regulate Smoking?

Local Board of Health / District Board of Health

- Rules apply throughout the county or district
- Rule must be approved by an ordinance adopted by the Board of County Commissioners (BOCC)
- After BOCC approves the rule by ordinance, it applies throughout the county
- No additional action or approval of city or town councils is required

Board of Health can regulate smoking with a BOH Rule

And that would apply to both the unincorporated and incorporated areas of the county and municipalities.

But, the Rule must also be approved by the Board of County Commissioners (BOCC)

After BOCC approves the rule by ordinance, it applies throughout the county

What About OTHER Tobacco Products?

- Prior law preempted local governments' authority to regulate *smoking*
- There was no pre-emption related to local authority to regulate the use of other tobacco products
- 2010 changes removed the preemption related to smoking; still no preemption for other tobacco products
- Local governments can pass such regulations under their basic authority to pass regulations to protect the health and welfare of the community.

Before 2010, prior law preempted local governments' authority to regulate **smoking**

There was never any pre-emption related to local authority for regulating other tobacco products, like smokeless tobacco and e-cigarettes..

2010 changes in the law removed the preemption related to smoking; and there is still no preemption for other tobacco products

Since e-cigarettes are defined as a tobacco product by NC law, they are included in the authority to regulate tobacco products.

In summary, yes you can prohibit the use of all tobacco products: including, combustibles – like cigarettes, cigars, pipes, as well as smokeless products, e-cigarettes, and synthetic tobacco products.

Types of E-Cigarettes



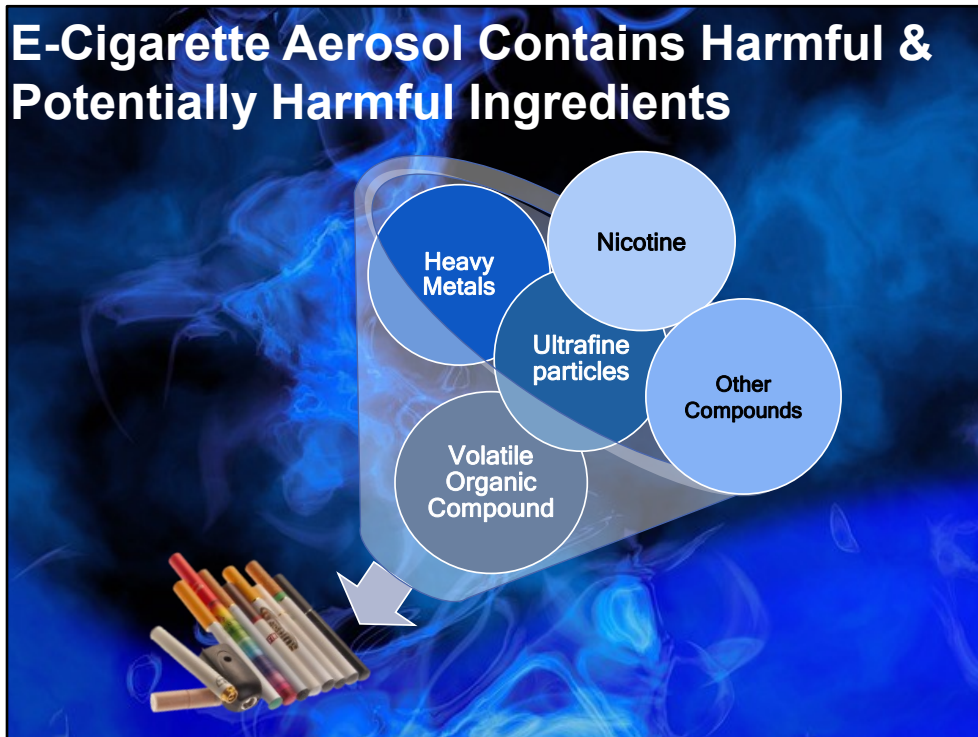
The image displays five categories of e-cigarettes:

- Disposables:** A pack of Finiti Disposable Electronic Cigarettes, featuring a single cigarette-like device.
- Rechargeable – Replacement Cartridges:** A pack of blu cartridges and a single black cartridge.
- Rechargeable – Refillable Tank System:** A pack of two colorful (blue and pink) tank systems.
- Mods:** Three different colored (red, blue, and orange) mod devices.
- JUUL:** A hand holding a black JUUL device.

Image Source: Wake Forest Baptist Health; ecigaretteb2c.com

There are several different forms of e-cigarettes –

They all function basically the same way to deliver nicotine to the user in the form of an aerosol.



E-cigarettes have a dangerous mixture of chemicals that produce harmful aerosols (not harmless water vapor).

The aerosol contains harmful ingredients that can penetrate deeply into the lungs.

E-cigarettes can be Modified to use other Psychoactive Substances



E-cigarette products can also be used – and are being used by some adults and adolescents - as a delivery system for other substances - like marijuana and other illicit drugs.

clean air—free of both smoke and e-cigarette aerosol—remains the standard to protect health.

What is Left Unchecked in Your Communities

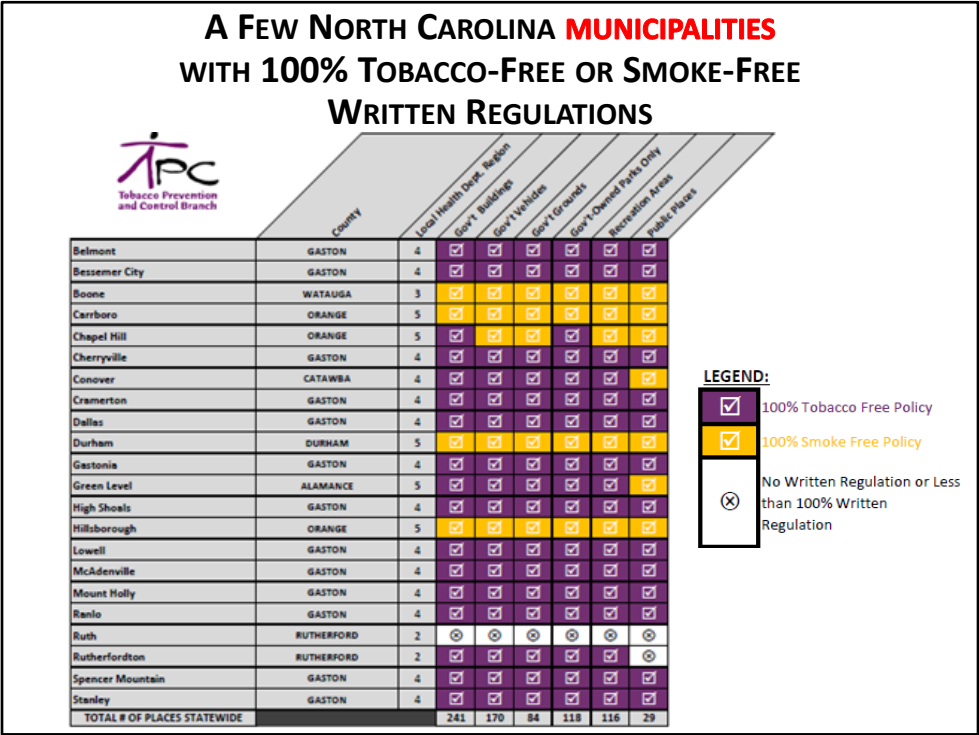


Tobacco-free government buildings, vehicles, and grounds, including parks



Smoke-free public places, including e-cigarettes

What is left unchecked in Ruth, in terms of government buildings, vehicles, grounds, and parks, as well as, enclosed public places



The NC Tobacco Prevention and Control Branch has created a dashboard of tobacco regulations for all 100 counties across the state, and all municipalities.


To show up on the dashboard, there must be a written policy/ordinance with a 100% either smoke-free or tobacco-free regulation - and not allow for any exceptions or designated areas.


As you can see on the legend, the purple shade means it is 100% tobacco free and the yellow shade means it is 100% smoke -free


Looking at the tabs along the top you can quickly identify which of the properties provide protections to residents.


Enforcement is About Education

Signage and communication are keys to compliance









Shift in
cultural
norms

What we have experienced all across the state, is that enforcement is primarily about good communication and education. Most people will comply with a policy, if they know about it.

Good Compliance is achieved through

- effective communication strategies (that is - news and media messages to create public awareness,
- sufficient signage posted in and around properties, ,
- and by promoting cessation services and resources to help those who want to quit, especially when a new policy goes into effect.

If violations occur—provide further education, warnings, and if needed, impose penalties as you would for other policies or ordinances.

Further Information or Assistance

Karen Caldwell
Regional Tobacco Control Manager
Region 2

NC Tobacco Prevention and Control Branch
Division of Public Health, DHHS

828-620-1646
Karen.Caldwell@dhhs.nc.gov

Region 2 Counties:
Avery, Buncombe, Burke, Caldwell, Henderson
Madison, McDowell, Mitchell, Polk, Rutherford, Yancey