

March 28, 2019 – Work Session

The Swain County Board of Commissioners held a Work Session on March 28, 2019 at 6:00 p.m. Present were Chairman Bushyhead, Vice-Chair Burns, Commissioner Parton, Commissioner Parsons and Commissioner Seagle.

Joe “Gunner” Vasquez led the Pledge of Allegiance.

Chairman Bushyhead called the work session to order.

Items for Discussion:

Department Reports

-Tax Office: Peggy Hyde presented the following report:

The tax office has undergone several changes since my last report.

We now have a reappraisal office merged into the tax office, as it should be, for the 2021 reappraisal. Jessica Danner has been promoted to a new position of Reappraisal Manager. She is now in training with Chris Ferris, the reappraisal contractor for the 2021 reappraisal. After 2021 Jessica will be responsible for the reappraisals for continuing years. Ramona, now our appraiser for the tax office, will be transiting to a new position as Mapping Auditor. Terrie Snow and Dawn Zalva have been hired in the collection section of our office and they are being trained by Jessica.

Our collection rate was less than 2017 at the end of the physical year 2018 due in part to some of the Public Utilities (appraised by the Department of Revenue) not having their taxes paid before the month end of December. Also, we have more and more taxpayers asking, and making, payments and not paying in full. Our bills to be mailed in July will have coupons with the bills to help with the payment process. Each coupon will have the amount due for each month, starting in September, and will be paid in December. (A new procedure for Swain County.) With hiring, and training, new collectors we have not had the opportunity to work on our delinquent taxes as needed. We will return to that after all the personal and business personal forms have been keyed into our system. Foreclosures are still in process and it is going much slower than anticipated! Most attorneys are being inundated by properly being sold or transferred in Swain County. Thank you for all your support! My job would be impossible without it!

-Inspections: Bill Marr reported 56 residential new single family permits were issued in 2017 and 65 for 2018. In 2017 140 building permits were issued, 245 electrical, 90 plumbing, 243 mechanical and 28 manufactured home permits compared to 2018 153 building permits issued, 297 electrical, 110 plumbing, 273 mechanical and 10 manufactured home permits. Mr. Marr also noted Jason Webb is his new employee and is an asset to the County.

-Sheriff’s Department: Sheriff Curtis Cochran gave a report from 8/1/2018 through 3/21/2019. Sheriff Cochran noted the average of males - 62.16 and females – 18.75, 5,217 events, 1,195 offenses and 906 incidents, 755 charges and 487 arrests, 1 accident, 270 citations, and 348 civil papers. For more information, please see report on file.

NC Disabled American Veterans presentation: Paul Taylor and Fred Underwood presented the Swain County Commissioners a certificate of appreciation for their continued support of DAV and its mission, fulfilling their promises to the men and women who served. Mr. Taylor announced their chapter has currently served 3 in the dental program, given out 131 \$50 gift cards for Christmas to each veteran and is working closely with the Swain County JROTC for their fundraiser

Swain County Recreation Park Tobacco Usage Ordinance: Vice-Chair Burns made a motion to adopt the following ordinance:



Ordinance 10000-2019-001G

AN ORDINANCE TO PROHIBIT THE USE OF TOBACCO PRODUCTS AND ALL TYPES

OF ELECTRONIC NICOTINE DELIVERY SYSTEMS ON GROUNDS AND BUILDING OF SWAIN COUNTY'S PARKS SYSTEM

WHEREAS, according to the Centers for Disease Control and Prevention (CDC), tobacco use and secondhand smoke exposure are leading preventable causes of illness and premature death in North Carolina and the nation¹; and,

WHEREAS, on January 2, 2010, "An Act To Prohibit Smoking In Certain Public Places And Certain Places Of Employment," North Carolina Session Law 2009-27, became effective, authorizing local governments to adopt and enforce ordinances "that are more restrictive than State law and that apply in local government buildings, on local government grounds, in local vehicles, or in public places;" and

WHEREAS, a 2013 survey conducted by the Swain County Health Department showed that 90% of Citizens supported tobacco free playgrounds, public walking trails, bike trails and sports/ball fields; and

WHEREAS, in 2015, the Centers for Disease Control and Prevention (CDC) stated that emitted e-cigarette aerosol is not just water vapor, but contains nicotine and can contain additional toxins, making it less safe than clean air and e-cigarette use has the potential to involuntarily expose children and adolescents, pregnant women, and non-users to aerosolized nicotine and, if the products are altered, to other psychoactive substances. Therefore, clean air—free of both smoke and e-cigarette aerosol—remains the standard to protect health²; and

WHEREAS, in 2018 the Swain County Parks & Recreation Comprehensive Facilities Master Plan 2018, stated of the 1,140 persons who answered the survey, 89.96% were in favor of a Tobacco Free Parks and Rec in Swain County; and

WHEREAS, the County of Swain provides support to employees and residents who want to quit the use of tobacco products. Employees and residents are also encouraged to talk to their health care provider about quitting, ask about appropriate pharmacotherapy available through their health insurance plan or employee's insurer, and use the free quitting support services of the North Carolina Tobacco Use Quitline at 1-800-QUIT-NOW (1-800-784-8669); and

WHEREAS, the County of Swain is committed to protecting the health of individuals on the grounds of the County's parks system and in buildings located in the County's parks system by limiting exposure to secondhand smoke; and

WHEREAS, the County of Swain is committed to protecting the health of children on and the environment of the grounds of the County's parks system and in buildings located in the County's parks system by eliminating the amount of litter caused by discarded cigarette butts; and

WHEREAS, this Board finds and declares that, in order to protect the public health and welfare, it is in the best interest of the citizens of the County to adopt an ordinance prohibiting tobacco products and electronic nicotine delivery systems on grounds and buildings of the County's parks system.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the County of Swain, North Carolina, that:

Section 1. Authority.

This ordinance is enacted pursuant to G.S. 130A-498, 153A-121(a) and 153A-122. Section 2. Definitions

The following definitions are applicable to this ordinance.

1. "County building". – A building owned, leased as lessor, or the area leased as lessee and occupied by Swain County.
2. "Grounds". – An unenclosed area owned, leased, or occupied by Swain County.

3. “Local health department”. – The Swain County Health Department, the jurisdiction of which includes Swain County.
4. “Parks System”. – any tract of land or body of water comprising part of Swain County’s parks, playgrounds, natural areas, recreation areas, trails and greenways, and streams or other bodies of water.
5. “Universal ‘No Smoking and Use of Tobacco Products Prohibited’ Symbol” – Symbol consisting of a pictorial representation of a burning cigarette and a tobacco product enclosed in a red circle with a red bar across it.
6. “Smoking”. – The use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product to include Electronic or E-cigarettes, and Vapor or Vape pens or any battery powered device used for the vaporization and inhalation of nicotine, and/or other chemicals.
7. “Tobacco product”. – Any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, vaped , absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means, or any component part or accessory of a tobacco product, including but not limited to cigarettes; cigars; little cigars; e-cigarettes; snuff; chewing tobacco; and other kinds and forms of tobacco. A tobacco product excludes any product that has been approved by the U.S. FDA for sale as a tobacco cessation product, such as nicotine replacement therapies (i.e. nicotine gum, patch, lozenge or inhaler).
8. “Electronic Nicotine Delivery System”. Any electronic oral device that employs a mechanical heating element, battery, or electronic circuit regardless of shape or size and that can be used to heat a liquid nicotine solution or any other substances, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e- hookah or under any other product name or descriptor.

Section 3. Areas in Which Smoking and Tobacco Products are Prohibited

Tobacco Products and Electronic Nicotine Delivery Systems are prohibited:

- (a) On Swain County grounds of Swain County’s parks system to include but not limited to: play grounds, walking trails/paths, skate park, tennis courts, ball fields, swimming pool, parking lots and surrounding areas.
- (b) On Swain County buildings in Swain County’s parks system, including when being used for private events.

Section 4. Implementation Requirements

- (a) Swain County shall post signs that meet all the requirements in Section 5 of this ordinance.
- (b) Swain County shall remove all ashtrays and other smoking receptacles from the grounds of Swain County’s parks system and buildings located in Swain County’s parks system.
- (c) The person in charge of the grounds of Swain County’s parks system or the buildings located in Swain County’s parks system, or his or her designee, shall direct a person who is smoking or using a tobacco product in a prohibited area to cease.

Section 5. Signage

The signs required by Section 5 must:

- (a) State in English that tobacco products and electronic nicotine delivery systems are prohibited and include the universal “No Use of Tobacco Products Prohibited” symbol.
- (b) Be of sufficient size to be clearly legible to a person of normal vision and be conspicuously posted.

(c) Be posted at each entrance of the buildings located in Swain County's parks system and in other locations within the buildings reasonably calculated to inform employees and the public of the prohibition.

Section 6. Public Education

Swain County shall engage in an ongoing program to explain and clarify the purposes and requirements of this ordinance, and to guide operators and managers in their compliance with the ordinance. In doing so, the County may rely upon materials and information provided by the local health department.

Section 8. Severability; Conflict of Laws.

If this ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of the ordinance that can be given separate effect and to that end the provisions of this ordinance are declared to be severable. Whenever the provisions of this ordinance conflict with other ordinances of Swain County, this ordinance shall govern.

Section 9. Effective Date.

This ordinance shall be effective on April 1, 2019.

Adopted this __day of _____, 20__.

By a vote of _____ to _____

Commissioners

Present: _____

Absent _____

By: _____
Ben Bushyhead, Chairman

ATTEST:

By: _____
Cindi Woodard, Clerk

Commissioner Seagle seconded the motion. The ordinance was approved with four voting aye and Commissioner Parton voting nay.

Closed Session: The Board went into closed session as called for under NCGS 143-318(a)(4). The Board adjourned the closed session. Chairman Bushyhead announced the discussion was regarding an expanding industry, but no decisions were made.

County Managers Report: Kevin King discussed the following:

- Contract with the US Marshall's Service with a possible addition of 15-20 female inmates per day that would result in approximately \$200,000 in revenue. Some male pods will be converted to female pods to accommodate. The Board agreed to include in a budget amendment funding for 2 additional vehicles and 2 officers and gave Sheriff Cochran permission to move proceed shopping for and purchasing the 2 vehicles needed.
- April 4, 2019 NCACC district meeting is scheduled from 5pm – 8:00 pm at the Ramsey Center. The topic is broadband.
- April 1st Broadband meeting in Charlotte - Connecting the Digital Divide.
- Swain County High School Expansion: Public hearing scheduled for April 11th and consideration of approval with financing.
- Senate Bill 307
- Appalachian Health and Blue Ridge Community Health are both applying for a grant and the County is in support of both to allow more coverage for citizens.

-Medicaid transformation – NC FAST has already been implemented, some counties are pulling out of NC FAST but can't due to being integrated with the system. Medicaid is going live in October, 2019.

-Emergency Watershed Protection – helps with losses from flood damage and works to correct issues with an 80/20 match. Two locations have been identified needing help thru EWP.

-A river study along the Tuckasee Area, Island Park to the Everett Street Bridge; to bring awareness of the location, they're looking at creating a wave pool near the handicap fishing pier which would interfere with the delayed harvest, etc.

Commissioners Items

Commissioner Parton: meeting with personnel committee tomorrow

Commissioner Parsons: several meetings with Four Square, Giving Spoon, Southwestern ROAP, Region A meeting, concerns with a Bill introduced by South Carolina which would allow the Catawba Tribe to build a casino in North Carolina, the Board should consider a resolution banning such.

Commissioner Seagle: will meet with Vaya Health in June, 2019

Vice-Chair Burns: broadband is currently drawing up surveys for the community

Chairman Bushyhead: working with NCDOT hoping to see that Needmore Road gets built up and possibly paved with the hopes that DOT will go back to the 16ft. width requirement

Public Comments: None

Adjournment

There being no further business to discuss at this time, 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