



Agenda

City Council Workshop

June 10, 2019

4:00 PM

City Hall Conference Room 337

Assistive listening devices are available upon request for meetings held in the Council Chambers. If an interpreter is needed for deaf or hearing impaired citizens, please call 252-329-4422 (voice) or 252-329-4060 (TDD) no later than two business days prior to the meeting.

I. Call Meeting To Order

II. Roll Call

III. Approval of Agenda

IV. New Business

1. Pitt County Farm and Food Council Presentation
2. Presentation on Pitt County Property Revaluation
3. Presentation on a Proposed Modification of the City's Amplified Sound Ordinance
4. Presentation on proposed revisions to Ordinance entitled "Smoking Regulated in Municipal Buildings and Facilities", City Code Section 12-1-13

V. Adjournment



City of Greenville,
North Carolina

Meeting Date: 6/10/2019
Time: 4:00 PM

Title of Item: Pitt County Farm and Food Council Presentation

Explanation: Doris Connell, Coordinator of the Pitt County Farm and Food Council, has asked to provide information about the Council, including an introduction to the Food Finder App which links people with food resources in Pitt County.

Fiscal Note: No cost to the City.

Recommendation: Hear the presentation on the Pitt County Farm and Food Council.



City of Greenville,
North Carolina

Meeting Date: 6/10/2019
Time: 4:00 PM

Title of Item: Presentation on Pitt County Property Revaluation

Explanation: Tax Administrator Sam Croom will discuss the upcoming Pitt County property revaluation process.

Fiscal Note: No direct cost.

Recommendation: Hear the presentation from Pitt County Tax Administrator Sam Croom.



City of Greenville,
North Carolina

Meeting Date: 6/10/2019
Time: 4:00 PM

Title of Item: Presentation on a Proposed Modification of the City's Amplified Sound Ordinance

Explanation: City staff will provide information on a proposed modification to the amplified sound ordinance. The proposed changes would allow for occasional large events outdoors (over 500 people), require a permit for certain types of establishments/locations, and require off-duty officer or security personnel at locations with a history of certain types of violations or criminal activity.

Fiscal Note: No direct cost.

Recommendation: Hear the presentation from staff.



City of Greenville,
North Carolina

Meeting Date: 6/10/2019
Time: 4:00 PM

Title of Item: Presentation on proposed revisions to Ordinance entitled "Smoking Regulated in Municipal Buildings and Facilities", City Code Section 12-1-13

Explanation: The City Attorney's Office will provide a presentation on proposed revisions to the ordinance entitled "Smoking Regulated in Municipal Buildings and Facilities".

Fiscal Note: No direct cost.

Recommendation: Hear presentation from the City Attorney's Office.

ATTACHMENTS:

- **Draft ORDINANCE--Prohibiting Smoking, Use of Any Tobacco Product, and Any E-Cigarette In Municipal Buildings, Facilities, and Grounds, Municipal Vehicles, and Uptown Area Sidewalks_1109204**

ORDINANCE NO. 19-

AN ORDINANCE TO PROHIBIT SMOKING, THE USE OF ANY TOBACCO PRODUCT, AND THE USE OF ANY E-CIGARETTE IN MUNICIPAL BUILDINGS, FACILITIES, AND GROUNDS; MUNICIPAL VEHICLES; AND UPTOWN AREA SIDEWALKS

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

WHEREAS, tobacco is a recognized carcinogen in humans, and health risks associated with the use of tobacco products include myocardial infarction (heart attack), stroke, adverse reproductive outcomes, lung cancer, and diabetes; and

WHEREAS, in 2006, the United States Surgeon General determined that secondhand smoke exposure causes disease and premature death in children and adults who do not smoke; that children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome (SIDS), acute respiratory infections, ear problems, and more severe asthma; that smoking around children causes respiratory symptoms and slows their lung growth; and that scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke; and

WHEREAS, the CDC reports that nearly 90% of smoking and smokeless tobacco use are initiated and established before age 18, that most people who begin smoking during adolescence are addicted by the age of 20, and that adolescent smokeless tobacco users are more likely than nonusers to become adult cigarette smokers; and

WHEREAS, everyday, an estimated 3,800 youth aged 18 or younger try their first cigarette and an estimated 2,100 youth become daily cigarette smokers; and

WHEREAS, children model adult behavior and benefit from positive models of non-smoking behavior and positive reinforcement of healthy lifestyle messages through exposure to smoke and tobacco free public areas; and

WHEREAS, environmental organizations, such as the Ocean Conservancy, consistently report cigarette butts as a leading cause of litter;

WHEREAS, research indicates that, during active smoking, outdoor levels of secondhand smoke may be as high as indoor levels and may pose a health risk for people in close proximity, and some hazard exists beyond 30 feet; and

WHEREAS, children playing on the grounds of the City of Greenville parks system and in buildings located in the City of Greenville's parks system are more likely to ingest cigarette butts if they are discarded and accessible; and

WHEREAS, in 2013, American Poison Control Centers received over 1,000 reports per month of children under the age of six being poisoned by contact with tobacco products; and

WHEREAS, the U.S. Surgeon General's Report, *E-cigarette Use Among Youth and Young Adults: A Report of the Surgeon General, 2016*, 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. Furthermore, 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 health; and

WHEREAS, the use of e-cigarettes, also known as electronic cigarettes, in places where smoking traditional tobacco products is prohibited could lead to difficulties in enforcing smoke-free policies and renormalize tobacco use; and

WHEREAS, in 2009, the United States Food and Drug Administration (FDA) announced that an analysis of e-cigarette samples indicated that the e-cigarettes contained not only nicotine but also detectable levels of known carcinogens and toxic chemicals, including tobacco-specific nitrosamines and diethylene glycol, a toxic chemical used in antifreeze; and it has been found that the emitted aerosol is not just water vapor, but contains nicotine and can contain additional toxins, making it less safe than clean air to the nearby non-user; and

WHEREAS, experimentation with and use of e-cigarettes have risen sharply among young people according to the North Carolina Division of Public Health, Tobacco Prevention and Control Branch, *2015 Youth Tobacco Survey*. According to the survey, current use of electronic cigarettes among North Carolina high school students jumped by 888 percent from 1.7 percent in 2011 to 16.8 percent in 2015. Twenty-seven percent of high school students said they are considering using electronic cigarettes in the next year. Overall tobacco use among North Carolina high school students increased from 25.8 percent to 27.5 percent from 2011 to 2015; and

WHEREAS, the City of Greenville is committed to protecting the health and environment of individuals, children, and employees in public park buildings, vehicles, and grounds by eliminating exposure to secondhand smoke and eliminating the amount of litter caused by discarded cigarette butts; and

WHEREAS, the City of Greenville 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 (1-800-784-869); and

WHEREAS, the City of Greenville wishes to minimize the harmful effects of tobacco use among employees and eliminate secondhand smoke exposure for employees and the public in and on those buildings, vehicles, and grounds controlled by the City of Greenville parks system; 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, on June 9, 2014, the City of Greenville adopted Resolution No. 042-14 entitled *City of Greenville, North Carolina Resolution of Support for Tobacco-Free Parks in Pitt County*; and

WHEREAS, according to N.C.G.S. § 160A-174(a) a town or city council, may find and declare that, in order to protect the public health and welfare, it is in the best interest of the residents of the City of Greenville to adopt an ordinance prohibiting smoking and the use of tobacco products in City of Greenville parks system buildings, upon City park system grounds, and in City owned, leased, or controlled vehicles.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA, DOES ORDAIN:

SECTION 1. That pursuant to North Carolina Session Law 2009-27, N.C.G.S. § 130A-498, and 160A-174(a), Title 12 of the Code of Ordinances of the City of Greenville, North Carolina, Chapter 1, Section 13 (“City Code § 12-1-13”) be and is hereby amended by deleting the entirety of City Code § 12-1-13 and rewriting City Code § 12-1-13 to read as follows:

SEC. 12-1-13 SMOKING, THE USE OF ANY TOBACCO PRODUCT, AND THE USE OF ANY E-CIGARETTE PROHIBITED IN MUNICIPAL BUILDINGS, FACILITIES, AND GROUNDS; MUNICIPAL VEHICLES; AND UPTOWN AREA SIDEWALKS.

In order to protect the public health and welfare, it is in the best interest of the residents of the City to adopt an ordinance prohibiting smoking, the use of any tobacco products, and the use of any e-cigarettes in municipal buildings, facilities, and grounds; municipal vehicles; and Uptown area sidewalks as follows and the herein described prohibited conduct is hereby declared unlawful:

(A) *Definitions.* For the purpose of this section, the following definitions, whether capitalized or not, shall apply unless the context clearly indicates or requires a different meaning.

- (1) *City.* The City of Greenville.
- (2) *City parks system.* Any tract of land, building, structure, or body of water comprising part of the City’s parks, playgrounds, recreation areas, greenways, or trails.
- (3) *E-cigarette.* Any electronic device that employs any of the following and that can be used to heat a liquid nicotine solution or any other substance, and the use or inhalation of which simulates smoke, smoking, vape,

vaping, or vaporizing: mechanical heating element, vaporizer, battery, atomizer, coil, mod, tank, cartridge, or electronic circuit regardless of shape or size. The term shall include but not be limited to any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, vaporizer, vaping device, or under any other product name or descriptor.

- (4) *GUC*. The Greenville Utilities Commission.
- (5) *Local health department*. The district health department, public health authority, or county health department, the jurisdiction of which includes the City.
- (6) *Municipal building, facility, or grounds*. Any property, including any building, facility, or grounds or any portion of any property, including any building, facility, or the grounds thereof, which are owned, leased, operated, occupied, managed, or controlled by the City or GUC. Municipal building, facility, or grounds specifically include but are not limited to all buildings, facilities, greenways, and grounds of the City parks system.
- (7) *Municipal Employee*. A person who is employed by the City or GUC, or who contracts with the City or GUC, or any other person who otherwise performs services for the City or GUC with or without compensation.
- (8) *Municipal vehicle*. Any vehicle owned, leased, or otherwise controlled by the City or GUC and assigned permanently or temporarily by the City or GUC to City or GUC employees, agencies, institutions, or facilities for official City or GUC business.
- (9) *Police Department*. The City of Greenville Police Department.
- (10) *Smoking*. The use or possession of an activated e-cigarette, lighted cigarette, lighted cigar, lighted pipe, or any other lighted or activated tobacco, smoke, or vaporizing product.
- (11) *Tobacco product*. Any product containing or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, or ingested by any other means, including but not limited to cigarettes; e-cigarettes; cigars; little cigars; snuff; and chewing tobacco. A tobacco product excludes any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

(12) *Universal “No Smoking, No Use of Tobacco Products, and No Use of E-Cigarettes” Symbol.* A symbol or series of symbols consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it, a tobacco product enclosed in a red circle with a red bar across it, and an e-cigarette enclosed in a red circle with a red bar across it.

(13) *Uptown Area Sidewalk.* That portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians in the area which is located in the geographic area contained within the following boundary: Beginning at the intersection of South Pitt Street and running along West First Street to Evans Street; thence along East First Street to Reade Street; thence along Reade Street to East Fifth Street; thence along Reade Circle to Cotanche Street; thence along Cotanche Street to East Tenth Street; thence along East Tenth Street to Evans Street; thence along West Tenth Street to Dickinson Avenue; thence along Dickinson Avenue to Atlantic Avenue; thence along Atlantic Avenue to Bonners Lane; thence along Bonners Lane to South Pitt Street; thence along South Pitt Street to East First Street, the Point of Beginning. Excluded from this area are any right-of-ways maintained by North Carolina Department of Transportation.

(B) *Areas in Which Smoking, the Use of Tobacco Products, and E-Cigarettes are Prohibited.* Except as otherwise allowed by N.C.G.S. § 130A-498(b1) or other applicable law, smoking, the use of tobacco products, and e-cigarettes are prohibited by Municipal Employees and all other persons:

- (1) In and upon all municipal buildings, facilities, and grounds, including those times when being used for private events.
- (2) In and upon the City parks system, including those times when being used for private events.
- (3) In and upon any municipal vehicle.
- (4) Upon any portion of an Uptown Area Sidewalk.

(C) *Implementation Requirements.*

- (1) The City and GUC shall post signs upon all municipal buildings, facilities, and grounds, in and upon the City parks system, at or upon all Uptown area sidewalks, and in or upon all municipal vehicles in accordance with all the requirements in subsection (D) of this ordinance.
- (2) The City, GUC, and persons who manage, operate, or control a municipal building or facility or the grounds thereof shall remove all ashtrays and other smoking receptacles from places where smoking, tobacco products,

and e-cigarettes are prohibited, except for ashtrays and receptacles lawfully for sale and not intended for use on the premises.

- (3) The person in charge of a municipal building or facility or the grounds thereof, or his or her designee, shall direct a person who is smoking, or using a tobacco product, or using an e-cigarette in a prohibited area to cease and, if the person does not comply, shall contact the Police Department.
- (4) The Municipal Employee operating of a municipal vehicle, or his or her designee, shall direct a person who is smoking, or using a tobacco product, or using an e-cigarette in or upon a municipal vehicle to cease and, if the person does not comply, shall contact the Police Department. In the event that a Municipal Employee operating a municipal vehicle is smoking, or using a tobacco product, or using an e-cigarette in or upon a municipal vehicle, then said operator's supervisor, or designee, shall direct the operator to cease and, if the person does not comply, shall contact the Police Department.

(D) *Signage.* The signs required by subsection (C)(1) of this ordinance must:

- (1) State in English the applicable prohibition for the area (e.g. no smoking, no use of any tobacco products, and no use of any e-cigarettes) and include the applicable universal symbol (e.g. the "No Smoking, No Use of Tobacco Products, and No Use of E-Cigarettes" symbol) or similar symbol or symbols.
- (2) Be of sufficient size to be clearly legible to a person of normal vision, and be conspicuously posted.
- (3) Be posted in each municipal vehicle in areas visible to passengers, provided that their placement does not interfere with the safe operation of the vehicle. If the vehicle is used for undercover law enforcement operations or a vehicle otherwise exempted by the City Manager, a sign is not required to be placed in the vehicle.
- (4) Be posted at or upon all Uptown area sidewalks; at the entrance to buildings of and on the grounds of the City parks system; and in and upon all municipal buildings, facilities, and grounds in locations and at intervals reasonably calculated to inform municipal employees and all other persons of the prohibition.
- (5) State the amount of the penalty listed in subsection (E)(1) of this ordinance.

(6) State “Under Authority of North Carolina Session Law 2009-27, N.C.G.S. § 130A-498, 160A-174(a), and City Code § 12-1-13.”

(E) *Enforcement and Penalties.*

(1) *Penalty for Violation.* Following oral or written notice to cease by a person described in subsection (C)(3) or (C)(4) to a person who is smoking, or using a tobacco product, or using an e-cigarette in a prohibited area, failure of said person to cease smoking, or using a tobacco product, or using an e-cigarette in a prohibited area constitutes an infraction punishable by a fine of fifty dollars (\$50.00). A citation may be issued by a sworn law enforcement officer. Conviction of an infraction under this section has no consequence other than payment of a penalty, and no court costs may be assessed.

(2) *Additional Sanctions for Municipal Employees.* In addition to any penalty under subsection (E)(1) of this ordinance, employees of the City or GUC who violate this ordinance shall be subject to disciplinary action consistent with their respective personnel policies.

(F) *Public Education.* The City and GUC shall engage in an ongoing program to explain and clarify the purposes and requirements of this ordinance to municipal employees and persons affected by it and to guide individuals in their compliance with it. In doing so, the City and GUC may rely upon materials and information provided by the local health department.

(G) *Severability; Conflict of Laws.* If this ordinance or application thereof to any person or circumstance is held invalid, 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. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 2: This ordinance shall be effective on January 1, 2020.

ADOPTED, this the _____ day of _____, 2019.

P.J. Connelly, Mayor

ATTEST:

Carol L. Barwick, City Clerk

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