

General Government Committee

October 7, 2014

Summary and Motions

Chair Kay called the meeting to order at 11:02 AM. Committee members Scutchfield, Gorton, Ford, Akers, Beard, Myers, Clarke, and Lane were present. Committee member Lawless was absent. Councilmembers Henson and Stinnett were present and attended as non-voting members.

1. Approval of Summary for September 9, 2014

Motion by CM Beard to approve the summary, seconded by CM Gorton. Motion passed without dissent.

2. Facilities & Fleet Management – Abolishing Security Officer Position and Creating Administrative Officer Position

Jamshid Baradaran commented on the issue, and offered to respond to questions.

Vice Mayor Gorton asked for clarification regarding why this item was placed into committee. Commissioner Reed responded that concerns regarding the item were raised by CMs Farmer and Henson. He stated that the position is not being created for a specific person, and will be advertised for qualified applicants.

Vice Mayor Gorton stated that this item should not be delayed, and that it should be moved forward to the Council for consideration.

Commissioner Reed stated that this action is not an attempt to privatize security, and welcomed the participation of Councilmembers in the selection process for the position.

CM Kay referred to an email received by committee members from CM Farmer. He recommended that this agenda item be deferred until later in the meeting to provide committee members with an opportunity to review the email.

CM Kay reintroduced the item later in the meeting, and asked Commissioner Reed to speak to the issues referred to in CM Farmer's email. Commissioner Reed stated that creation of the Administrative Officer position would result in better service and oversight. This position was requested in the budget process without abolishing positions and was not added. He stated that the Administrative Officer would also provide security services.

Motion by CM Akers, seconded by CM Gorton, to move this item back to the Council docket for second reading . The motion passed without dissent.

3. E-Cigarette Ordinance

Vice Mayor Gorton introduced the item, and provided information regarding the Clean Indoor Air ordinance (“ordinance”). She explained that at the time the ordinance was created, e-cigarettes did not exist. She added that she has received positive input on the ordinance.

Vice Mayor Gorton stated that the Governor has banned e-cigarettes in government buildings, the Lexington Center Corporation has voted to ban them in all of their facilities, and the Health Department Board passed a resolution asking Council to add e-cigarettes to the LFUCG Ordinance.

CM Lane stated his support of the proposed ordinance.

Carol Riker with the Kentucky Center for Smoke-free Policy presented the request for amending the existing ordinance to include e-cigarettes. She provided information regarding studies that concluded that the use of e-cigarettes impairs indoor air quality. Ms. Riker stated that the Food & Drug Administration is in the process of studying regulation of e-cigarettes, and referenced case law that concluded that e-cigarettes are a tobacco product.

Tony Florence stated that nearly all users of e-cigarettes are ex-smokers, and referenced studies regarding the safety of the levels of byproducts produced through the use of c-cigarettes. He stated that e-cigarettes are smoking cessation tools, and there are no medical or social reasons for legislation limiting their use.

Vice Mayor Gorton clarified that the issue being addressed is clean indoor air. She stated that the ordinance will not make it illegal to sell, buy, or use e-cigarettes, but will only keep them from being used indoors. She referenced communities that have passed similar ordinances.

Anthony Landrum spoke against the ordinance, and stated that the issue should be addressed by individual business owners.

Harold Hensley spoke against the ordinance.

Vice Mayor Gorton commented that the government is the authority that grants the rights to open businesses, which must operate within established laws.

Motion by Vice Mayor Gorton, seconded by CM Ford, to approve the approve draft E-Cigarette Ordinance and move it forward to Council. The motion passed without dissent.

CM Ford stated support of the ordinance, and stated that e-cigarettes would have been included in the original ordinance had they existed at the time it was adopted. He stated that other local and state governments were supportive of this initiative as well.

CM Clarke stated support for the ordinance, and stated that there is enough evidence to support adoption of the ordinance. He clarified that the ordinance will not prohibit the use of e-cigarettes in private residences, cars, and other places not specifically defined in the ordinance.

CM Beard asked if a delineation existed within brands of e-cigarettes regarding safety. Ms. Riker responded that there is no differentiation or information available regarding the safety of any specific brand of e-cigarette.

Tony Florence stated that e-cigarette brands fundamentally function the same.

CM Akers asked why some states have banned e-cigarettes only in certain places, such as hospitals. Ms. Riker stated that the vast majority of cities have adopted ordinances that address all workplaces. She stated that the University of Kentucky's hospital has a policy as well.

Vice Mayor Gorton asked if UK and other hospitals have policies. Ms. Riker stated that they do, but she is not certain how many hospitals have the policy.

4. Items Referred

Motion by CM Scutchfield, seconded by CM Akers, to remove the "Coroner's Staff Salaries & Classification" and "Impact of Vacant Positions on Parks, Maintenance, & Programming" referral items from committee. Motion passed without dissent.

Motion by CM Scutchfield, seconded by Vice Mayor Gorton to remove the "Grant Review Process" referral item from committee. Motion passed without dissent.

Motion by Vice Mayor Gorton, seconded by CM Akers to remove the "Amending the Lexington-Fayette County smoking ordinance to include e-cigarettes" referral item from committee. Motion passed without dissent.

Motion by Vice Mayor Gorton, seconded by CM Scutchfield to remove the "Procedure for Underwriting or Sponsoring one of our Facilities or Parks" referral item from committee. Motion passed without dissent.

Motion by CM Clarke, seconded by VM Gorton to remove the "Corporate Branding: Using the Name 'Lexington'" referral item from committee. Motion passed without dissent.

Motion by CM Ford, seconded by CM Clarke to remove the "Relationship with the BGADD" referral item from committee. Motion passed without dissent.

Motion by CM Akers, seconded Vice Mayor Gorton to remove the “Facilities & Fleet Mgmt. – Abolishing Security Officer position and creating Admin. Officer Position” referral item from committee. Motion passed without dissent.

The meeting was adjourned at 12:08 p.m.