

**HEALTH & HUMAN SERVICES COMMITTEE  
MINUTES  
FEBURARY 24, 2009**

The Health & Human Services Committee met on Tuesday, February 24, 2009 in the Committee Room, located on the second floor of the Administration Building beginning at 1:40 p.m. Mr. Jeffcoat, Committee Chairman presided.

**Members Attending:**

Johnny W. Jeffcoat, Chairman

James E. Jim Kinard, Jr.

Debra B. Debbie Summers

William B. Banning, Sr., V Chairman

Bobby C. Keisler

Also attending: Katherine Hubbard, County Administrator; Joe Mergo, Deputy County Administrator; Larry Porth, Finance Director/Assistant County Administrator; other staff members, citizens of the county and representatives of the media.

In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, and posted on the bulletin board located in the lobby of the County Administration Building.

**Ordinance 08-16 - An Ordinance to Amend the Lexington County Code of Ordinances, Chapter 14, Building and Building Regulations; by Adding a New Article Therein for the Purpose of Establishing Regulations and Requirements Related to Smoking in Retail Food Establishments in the Unincorporated Areas of Lexington County** - Ms. Hubbard presented the revised draft of the proposed Ordinance 08-16. The draft amendment contains staff recommendations for a definition of a private club or lodge that serves alcohol for the purpose of exempting them completely from the smoking ban, i.e., non-profit organizations such the American Legion Hut. The Committee discussed banning smoking in food preparation establishments and to allow smoking in outside areas where food is served. Ms. Summers said this is all about protecting the citizens when they have to work and the need to breathe smoke-free air should have a priority over the desire to smoke.

**Motion:**

A motion was made by Ms. Summers, seconded by Mr. Banning for Lexington County to ban smoking in all workplaces in Lexington County, but to exclude private bars that were private as of January 1, 2009 and allow restaurants to serve food and smoke on outside non-enclosed areas i.e. patios/decks.

Mr. Davis asked if the motion was a complete amendment to the ordinance that we have been working on.

**Amendment to Motion:**

Mr. Kinard made a motion to amend the motion, seconded by Mr. Keisler to allow institutions

that have a liquor license to have the option to ban smoking for those under the age of 21. (This is any establishment with a liquor license.)

The Committee discussed the motion as to whether it is creating a new ordinance about a workplace ban and not a food place ban which changes the entire ordinance.

**Vote on Amendment to Motion:**

In Favor:	Mr. Kinard	Mr. Keisler
Opposed:	Ms. Summers Mr. Banning	Mr. Jeffcoat

**Amendment fails.**

The original motion is to ban smoking in all workplaces in Lexington County except those private bars that were private as of January 1, 2009 and allow restaurants to have food served and smoke outside in non-enclosed areas, i.e., patios.

**Vote on Original Motion:**

In Favor:	Ms. Summers	Mr. Jeffcoat
Opposed:	Mr. Kinard	Mr. Keisler
Abstained:	Mr. Banning	

**Tie vote. Motion fails.**

**Motion:**

A motion was made by Mr. Banning, seconded by Mr. Kinard to go with the original plan that deals with restaurants and bars. Ban smoking in restaurants and bars which serves patrons under the age of 21, exclude private clubs as of January 1, 2009, and allow smoking in outdoor areas (non-enclosed areas/patios).

Ms. Hubbard reiterated that a retail food establishment would be a business that serves food may or may not have an attached bar that allows patrons under the age of 21. A bar would be an establishment that has a liquor license that allows patrons only over the age 21 regardless of food consumption, they could smoke there. The bar would be exempt, public or private.

**Vote on Motion:**

In favor:	Mr. Kinard Mr. Banning	Mr. Keisler
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Opposed:      Ms. Summers              Mr. Jeffcoat

**Motion passed.**

Staff to return with revisions for the next meeting on March 10, 2009.

**Old Business/New Business - None.**

There being no further business, the meeting was adjourned.

Respectfully submitted,

Judy R. Busbee  
Assistant to the Clerk

Johnny W. Jeffcoat  
Chairman

Diana W. Burnett  
Clerk