

THE MINUTES OF THE SPECIAL CITY COUNCIL MEETING HELD
FRIDAY, AUGUST 27, 2004 AT 10:00 A.M.

The Meeting was called to order at 10:00 a.m. Present: Council Chair: Werner; Council Members: Camp, Cook, Friendt, McRoy, Newman, Svoboda; Joan Ross, City Clerk.

Council Chair Werner asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

READING OF THE MINUTES

SVOBODA Having been appointed to read the minutes of the City Council proceedings of August 23, 2004, reported having done so, found same correct.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner.

PUBLIC HEARING - NONE

RESOLUTIONS

DIRECTING SUBMITTAL TO THE QUALIFIED ELECTORS OF THE CITY THE APPROVAL OR REJECTION OF ORDINANCE NO. 18396 ADOPTING THE LINCOLN SMOKING REGULATION ACT TO PROHIBIT SMOKING IN INDOOR PUBLIC PLACES AND PLACES OF EMPLOYMENT - PRIOR to reading:

SVOBODA Moved to adopt a Substitute Resolution #2.

Seconded by Camp & carried by the following vote: AYES: Cook, McRoy, Svoboda, Werner; NAYS: Camp, Friendt, Newman.

FRIENDT Moved to add clarifying language to substitute resolution #2.

Seconded by Newman & **LOST** by the following vote: AYES: Camp, Friendt, Newman; NAYS: Cook, McRoy, Svoboda, Werner.

CLERK Read the following Substitute Resolution, introduced by Ken Svoboda, who moved its adoption:

A-82941 WHEREAS, the City Council did on June 28, 2004 pass an ordinance prohibiting smoking in indoor public places and places of employment by adopting Ordinance No. 18396 creating a new Chapter 8.50 to the Lincoln Municipal Code known as the Lincoln Smoking Regulation Act; and

WHEREAS, pursuant to Article IV, Section 23 of the Charter of the City of Lincoln, a sufficient number of referendum petitions were received within the required time from qualified City voters protesting against the passage of Ordinance No. 18396, thereby suspending such Ordinance from going into operation and requiring the City Council to either repeal said Ordinance in its entirety or submit the same to the voters; and

WHEREAS, the City Council declined to repeal said Ordinance in its entirety.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

1. That pursuant to Article IV, Section 23 of the Charter of the City of Lincoln, Ordinance No. 18396 creating a new Chapter 8.50 to the Lincoln Municipal Code known as the "Lincoln Smoking Regulation Act" which act prohibits smoking in public places and places of employment shall be submitted to a vote for adoption or rejection by the qualified electors of the City of Lincoln at a special election to be held on Tuesday, the 2nd day of November, 2004.

Said proposition shall be printed on the ballot in the following form:

REFERENDUM ON ORDINANCE NO. 18396 WHICH CREATED A NEW CHAPTER 8.50, WHICH MAKES IT UNLAWFUL FOR ANY PERSON TO SMOKE INSIDE A PLACE OF EMPLOYMENT OR A PUBLIC PLACE AND MAKES IT UNLAWFUL FOR A PROPRIETOR TO ALLOW SMOKING IN A PLACE OF EMPLOYMENT OR PUBLIC PLACE AND WHICH REPEALED LINCOLN MUNICIPAL CODE CHAPTER 8.48, IN ITS ENTIRETY, WHICH ALSO PROHIBITS SMOKING IN INDOOR PUBLIC PLACES AND PLACES OF EMPLOYMENT BUT PROVIDED ADDITIONAL EXCEPTIONS THERETO.

I vote FOR adopting Ordinance No. 18396 which prohibits smoking in indoor public places and places of employment.

I vote AGAINST adopting Ordinance No. 18396 which prohibits

smoking in indoor public places and places of employment.

2. That the City Clerk of the City of Lincoln is hereby directed to publish with official certification, a copy of Ordinance No. 18396 once in each of the daily newspapers of general circulation in the City, such publication to be not more than 20 nor less than five days before the submission of the Ordinance to the electors.

3. That the Mayor is directed to proclaim and give notice that at the special election to be held in the City of Lincoln, Nebraska, on Tuesday, the 2nd day of November, 2004 in conjunction with the Statewide general election, there will be submitted to the qualified electors of the City of Lincoln, Nebraska, for adoption or rejection, the proposition set forth in paragraph 1 hereof, and the City Clerk is directed to publish the said proclamation as provided by law.

4. That the City Clerk of the City of Lincoln is further directed to notify the Election Commissioner of Lancaster County of the submission of this proposition, and to procure the necessary ballots and make all other necessary arrangements for the same.

Introduced by Ken Svoboda

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ADJOURNMENT 10:34 A.M.

CAMP Moved to adjourn the City Council meeting of August 27, 2004.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
So ordered.

Joan E. Ross, CMC, City Clerk

Judy Roscoe, Senior Office Assistant