



APPROVED BY THE CITY COUNCIL

JAN 1 3 2011

**City of O'Fallon
100 North Main Street
O'Fallon, Missouri 63366
City Council Meeting
December 22nd, 2010**

A. Mayor Hennessy called the meeting to order at 5:31 P.M., there were approximately 67 people in attendance.

B. Roll Call

Councilman Gardner	Present	Councilman Haman	Present
Councilman Lucas	Present	Councilman Howell	Present
Councilman Pepper	Present	Councilman Schwentker	Present
Councilwoman Mack	Present	Councilman Perkins	Present (arrived at 5:40 p.m.)
Councilman Pheny	Present	Mayor Hennessy	Present

C. Pledge of Allegiance

D. Approval of the Agenda

A Motion was made by Council member Pepper, seconded by Council member Schwentker, to approve the agenda as presented.

All Council members were in favor of approving the Agenda

E. New Business

1. A Public Hearing per Section 9.7(A), of the City of O'Fallon Home Rule Charter

On December 9, 2010, City Clerk determined and certified the sufficiency of an Initiative Petition for adoption of a proposed Initiative Ordinance to prohibit smoking in indoor workplaces and public places and known as the "O'Fallon Smoke-Free Air Act."

Pursuant to Sec. 9.7(A) of the O'Fallon Charter the City Council is required to hold a public hearing before taking any action with respect to the proposed Initiative Ordinance. This hearing is on the Council's agenda in compliance with the Charter's requirement and for the purpose of the Council receiving public comment with respect to the proposed Initiative Ordinance.

The following people spoke during the Public Hearing portion of the meeting and they are listed below:

- 1.) Craig Boring**, located at 7 Rainbarrel Court, addressed the Mayor and City Council and spoke in support of the smoking ban in O'Fallon.
- 2.) James Worman**, located at 247 Kildare Court, addressed the Mayor and City Council and spoke in support of the smoking ban in O'Fallon.

- 3.) **Pat Moore**, located at 569 Boulder River, addressed the Mayor and City Council and spoke in support of the smoking ban in O'Fallon.
- 4.) **Viviane Mckay**, located at 12 Trent Park Court, addressed the Mayor and City Council and spoke in support of the smoking ban in O'Fallon.
- 5.) **Donald L. Young**, located at 3105 Buckskin Path, addressed the Mayor and City Council and spoke in support of the smoking ban in O'Fallon.
- 6.) **Brittany Camacho**, located at 504 Springhurst Parkway, addressed the Mayor and City Council and spoke in support of the smoking ban in O'Fallon.
- 7.) **Wendy Prakop**, located at 332 Coronation Drive, addressed the Mayor and City Council and spoke in support of the smoking ban in O'Fallon.
- 8.) **Bobbi Carothers**, located at 532 crown Passage Drive, addressed the Mayor and City Council and spoke in support of the smoking ban in O'Fallon.
- 9.) **Myrtle Chidester**, located at 203 Centennial Drive, addressed the Mayor and City Council and spoke in support of the smoking ban in O'Fallon.
- 10.) **Frankie Banden**, located at 1814 Sapling Drive, a member of the Petitioners' Committee, addressed the Mayor and City Council and spoke in support of the smoking ban in O'Fallon.
- 11.) **Noel Roos**, located at 8 Osperey Way, addressed the Mayor and City Council and spoke against the smoking ban in O'Fallon.
- 12.) **Sharon Lee**, located at 19 Briarwick Drive, affiliated with the Siteman Cancer Center, addressed the Mayor and City Council and spoke in support of the smoking ban in O'Fallon.
- 13.) **Michelle Bernth**, located at 215 Surrey Trail Drive, affiliated with the American Lung Association, addressed the Mayor and City Council and spoke in support of the smoking ban in O'Fallon.
- 14.) **A. C. Dienoff**, located at P.O. Box 1535, addressed the Mayor and City Council and spoke in support of the smoking ban in O'Fallon.
- 15.) **Jim Frain**, located at 218 Addison Drive, addressed the Mayor and City Council and spoke in support of the smoking ban in O'Fallon.
- 16.) **John Callahan**, located at 923 Prairie Sky Way, addressed the Mayor and City Council and spoke against the smoking ban in O'Fallon.
- 17.) **Charles Gatton**, located in St. Louis County, addressed the Mayor and City Council and spoke in support of the smoking ban in O'Fallon.
- 18.) **Cheryl Hibbeler** located at 14 Laura Lee Drive, addressed the Mayor and City Council and spoke in support of the smoking ban in O'Fallon.
- 19.) **John Antes**, located at 1020 Brookmont Drive, President of Progress West Healthcare Center, addressed the Mayor and City Council and spoke in support of the smoking ban in O'Fallon.
- 20.) **Luella Dames**, located at 206 N. Main Street, Apt 109, could not speak before the Mayor and City Council but asked to be on record that she suffers from asthma and emphysema due to second hand smoke and is in favor of the smoking ban.

2. Consideration of Proposed Initiative Ordinance.

Section 9.7(A) of the O'Fallon Charter provides that the City Council shall "promptly consider" a proposed Initiative Ordinance if the Initiative Petition relative thereto has been determined and certified as sufficient.

On December 9, 2010, City Clerk determined and certified the sufficiency of an Initiative Petition for adoption of a proposed Initiative Ordinance to prohibit smoking in indoor workplaces and public places and known as the "O'Fallon Smoke-Free Air Act."

Also pursuant to Section 9.7(A) of the O'Fallon Charter, if the City Council fails to adopt the proposed Initiative Ordinance without any change in substance within thirty (30) days after the date the petition was determined sufficient, i. e. on or before January 10, 2011, (30 days after December 9, 2010, is January 8, 2011, a Saturday, so, in accord with Sec. 12.9 of the Charter, the time is extended to the following Monday) the proposed Initiative Ordinance will be submitted to the voters of the City.

A motion was made to introduce Bill 6047, an Ordinance adopting provisions to prohibit smoking in indoor workplaces and public places, hereby known as the O'Fallon Smoke-Free Air Act.

A motion was made for first Reading by title only by Council member Perkins, seconded by Council member Gardner. City Attorney, Kevin O'Keefe read the title of the Bill.

There was a discussion held regarding the reading of Bill 6047.

A motion was made by Council member Perkins to withdraw the Bill, seconded by Council member Gardner.

Council member Schwentker voted no, all remaining Council members present were in favor, Motion Passes

F. Any Additional Business

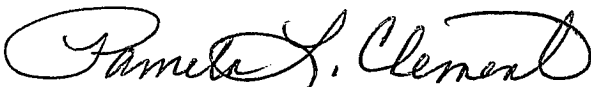
Mayor Hennessy announced the initiative adopting provisions to prohibit smoking in indoor workplaces and public places, hereby known as the O'Fallon Smoke-Free Air Act would be on the April 5th, 2011 ballot for the voters to decide. He also said the ordinance in its entirety would be available for everyone to view on the City of O'Fallon's website.

G. Adjourn

A motion was made to adjourn by Council member Perkins, seconded by Council member Haman to adjourn the meeting at 6:40 p.m.

All council members present were in favor of adjourning, Motion Passes

Respectfully Submitted



Pamela L. Clement
City Clerk

