

Table of Contents

Agenda	2
No. 2 - State Legislative Update	
Cover sheet	5
No. 3 - College Station Business Advisory Committee	
Cover Sheet - College Station Business Advisory Committee	6
Attachment 1 - College Station Business Advisory Committee Conceptual Work Plan	7
Attachment 2 - List of Potential Members	13
No. 4 - False Alarms	
Cover sheet	14
No. 5 - Discussion Related to Cell Phone use – Texting while Driving	
Cover sheet	15
No. 6 - Smoking Ordinance Amendment	
Cover sheet	16
Ordinance	17



Mayor
Nancy Berry
Mayor Pro Tem
John Crompton
City Manager
Glenn Brown

Council members
Jess Fields
Dennis Maloney
Katy-Marie Lyles
Dave Ruesink

Agenda
College Station City Council
Workshop Meeting
Thursday, September 23, 2010 3:00 p.m.
City Hall Council Chambers, 1101 Texas Avenue
College Station, Texas

1. Presentation, possible action, and discussion on items listed on the consent agenda.
2. Presentation, possible action, and discussion regarding trends and issues for the 2011 Texas Legislative session.
3. Presentation, possible action, and discussion regarding the formation of the College Station Business Advisory Committee.
4. Presentation, possible action, and discussion regarding false alarms and possible strategies to reduce the number of police responses to false alarms.
5. Presentation, possible action, and discussion regarding the use of cell phones while operating a motor vehicle, specifically as it relates to texting while driving.
6. Presentation, possible action, and discussion regarding a proposed amendment to the City's smoking ordinance defining smoking-related medical or scientific research and adding it as an exception.
7. Council Calendar
 - October 1 Dedication of the War for Texas Independence Memorial on the Lynn Stuart Pathway at Veterans Park and Athletic Complex, 10:00 a.m.
 - October 5 National Night Out at the CSPD *front door entrance, 5:00 p.m.
 - October 6 Special Meeting - COCS Council and Citizens for Wellborn at Wellborn Community Center - 4119 Greens Prairie Road W., 4:00 p.m.
 - October 6 Special Meeting in the Administrative Conference Room, 6:00 p.m.
 - October 12 84th Annual Transportation Short Course Luncheon at The Zone Club @ Kyle Field, 12:00 p.m.
 - October 14 Council Workshop/Regular Meeting in Council Chambers, 3:00 and 7:00 p.m.
 - November 11 Dedication of the Korean War Memorial on the Lynn Stuart Pathway, Veterans Park, 4:00 p.m.
 - November 11 Reading of the Names at the Veterans Memorial, Adams Plaza, Veterans Park, 6:00 p.m.
 - November 11 Veterans Memorial Day Ceremony at the American Pavilion, Veterans Park, 7:00 p.m.

City Council Workshop Meeting

Thursday, September 23, 2010

8. Presentation, possible action, and discussion on future agenda items: A Council Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.
9. Discussion, review and possible action regarding the following meetings: Arts Council of the Brazos Valley, Audit Committee, Brazos County Health Dept., Brazos Valley Council of Governments, Brazos Valley Wide Area Communications Task Force, BVSWMA, BVWACS. Cemetery Committee, Code Review Committee, Design Review Board, Historic Preservation Committee, Interfaith Dialogue Association, Intergovernmental Committee, Joint Relief Funding Review Committee, Landmark Commission, Library Board, Mayor's Council on Physical Fitness, Metropolitan Planning Organization, National League of Cities, Outside Agency Funding Review, Parks and Recreation Board, Planning and Zoning Commission, Research Valley Partnership, Regional Transportation Committee for Council of Governments, Signature Event Task Force, Sister City Association, TAMU Student Senate, Texas Municipal League, Transportation Committee, Wolf Pen Creek Oversight Committee, Zoning Board of Adjustments, (Notice of Agendas posted on City Hall bulletin board).
10. Executive Session will immediately follow the workshop meeting in the Administrative Conference Room.

Consultation with Attorney {Gov't Code Section 551.071}; possible action. The City Council may seek advice from its attorney regarding a pending or contemplated litigation subject or settlement offer or attorney-client privileged information. Litigation is an ongoing process and questions may arise as to a litigation tactic or settlement offer, which needs to be discussed with the City Council. Upon occasion the City Council may need information from its attorney as to the status of a pending or contemplated litigation subject or settlement offer or attorney-client privileged information. After executive session discussion, any final action or vote taken will be in public. The following subject(s) may be discussed:

Litigation

- a. City of Bryan's application with TCEQ for water & sewer permits in Westside/Highway 60 area, near Brushy Water Supply Corporation to decertify City of College Station and certify City of Bryan
- b. Water CCN / 2002 Annexation / Wellborn Water Supply Corporation
- c. Weingarten Realty Investors v. College Station, Ron Silvia, David Ruesink, Lynn McIlhaney, and Ben White
- d. Chavers et al v. Tyrone Morrow, Michael Ikner, City of Bryan, City of College Station, et al
- e. Clancey v. College Station, Glenn Brown, and Kathy Merrill
- f. Rachel Rahn v. Alma Martinez; The Arkitex Studio, Inc.; Charles Burris, AIA; Dr. Elton Abbott, AIA; and City of College Station, Texas: Cause No. 09-000656-CV-361, In the District Court of Brazos County Texas, 361st Judicial District

Legal Advice

- a. Discussion of Legal Issues Regarding: Wellborn Incorporation Request
- b. Contemplated Litigation, Legal remedies available to abate weeds, rubbish, brush and other unsanitary matter from a lot in the College Hills residential area.

City Council Workshop Meeting

Thursday, September 23, 2010

Personnel {Gov't Code Section 551.074}; possible action

The City Council may deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer. After executive session discussion, any final action or vote taken will be in public.

The following public officer(s) may be discussed:

- a. City Manager

11. Adjourn.

APPROVED:

 City Manager

Notice is hereby given that a Workshop Meeting of the City Council of the City of College Station, Texas will be held on the 23rd day of September, 2010 at 3:00 pm in the City Hall Council Chambers, 1101 Texas Avenue, College Station, Texas. The following subjects will be discussed, to wit: See Agenda

Posted this 20th day of September, 2010 at 2:00 pm

 City Secretary

I, the undersigned, do hereby certify that the above Notice of Meeting of the Governing Body of the City of College Station, Texas, is a true and correct copy of said Notice and that I posted a true and correct copy of said notice on the bulletin board at City Hall, 1101 Texas Avenue, in College Station, Texas, and the City's website, www.cstx.gov . The Agenda and Notice are readily accessible to the general public at all times. Said Notice and Agenda were posted on September 20, 2010 at 2:00 pm and remained so posted continuously for at least 72 hours proceeding the scheduled time of said meeting.

This public notice was removed from the official board at the College Station City Hall on the following date and time: _____ by _____.

Dated this _____ day of _____, 2010.

CITY OF COLLEGE STATION, TEXAS

By _____

Subscribed and sworn to before me on this the _____ day of _____,

 Notary Public – Brazos County, Texas My commission expires: _____

This building is wheelchair accessible. Handicap parking spaces are available. Any request for sign interpretive service must be made 48 hours before the meeting. To make arrangements call (979) 764-3517 or (TDD) 1-800-735-2989. Agendas may be viewed on www.cstx.gov. Council meetings are broadcast live on Cable Access Channel 19.

**September 23, 2010
Workshop Agenda Item 2
State Legislative Update**

To: Glenn Brown, City Manager

From: City Manager's Office

Agenda Caption: Presentation, possible action, and discussion regarding trends and issues for the 2011 Texas Legislative session.

Recommendation(s): N/A

Summary: Dan Shelley was hired four years ago as the City's state legislative lobbyist.

Dan Shelley and Jennifer Rodriguez are present today in order to update Council on expected legislative trends for the 2011 session, discuss issues the Council would like to address in the next session and address any questions from the Council.

The Texas Municipal League will be finalizing its 2011 Legislative Program at the upcoming annual conference.

Legislative priorities identified by the City of College Station prior to the 2009 Texas Legislative session included:

Transportation

- Support state-funded and local-option funding choices to be utilized for transportation purposes.
- Support legislation that would discontinue the diversion of transportation revenues to non-transportation purposes and appropriate all revenues from highway user fees and taxes to fund transportation projects.

Municipal Revenue

- Oppose any changes to the current property and sales tax systems as well as other income producing structures that would cause the City to lose revenue or the ability to raise revenue

Erosion of Municipal Powers

- Oppose any legislation that erodes the authority of city government or is detrimental to cities

Collective Bargaining

- Oppose legislation that would impose mandated collective bargaining rights

Annexation – Land Use Authority

- Oppose any legislation that erodes the authority of cities to annex
- Oppose any legislation that would restrict the zoning authority of cities

Un-Funded Mandates

- Oppose any legislation that would require expenditures by the City without a source of revenue provided by the State

Budget & Financial Summary: N/A

Attachments: N/A

**September 23, 2010
Workshop Agenda Item 3
College Station Business Advisory Committee**

To: Glenn Brown, City Manager

From: David Gwin, Director of Economic and Community Development

Relationship to Strategic Goals: Goal III.6 CS Economic Development Corporation

Agenda Caption: Presentation, possible action, and discussion regarding the formation of the College Station Business Advisory Committee.

Recommendation(s): Staff is seeking Council direction regarding a draft conceptual work plan and the appointment process for prospective members.

Summary: At the July 8th workshop meeting City Council directed staff to further explore the College Station Business Advisory Committee as a proposed entity. Since that meeting staff has developed a conceptual work plan that includes an operating structure, its four key functions, and a developed list of prospective members.

Staff will provide the Council with a presentation outlining the conceptual work plan. Included in the plan are potential programs the Business Advisory Committee may be involved with. Not all programs can be implemented and staff is looking for guidance on which are the most important.

A resolution is included for action on the Council's September 23 Consent Agenda.

Budget & Financial Summary: Initial startup cost for the Business Advisory Committee will be absorbed in the FY 2011 budget.

Attachments:

1. College Station Business Advisory Committee Conceptual Work Plan
2. List of Potential Members

College Station Business Advisory Committee

Conceptual Work Plan

Background	2
Operating Structure	3
Overview	4
The Four Key Functions	4 – 6
Communication	4
Connection	5
Recognition	5
Strategic Planning	6

College Station Business Advisory Committee Conceptual Work Plan

Background

At the City Council's request, staff provided a briefing on May 27, 2010 addressing both the history of the former College Station Business Development Corporation and the potential formation of a new College Station specific business association. From this presentation, Council directed staff to move forward and develop a draft work plan for a new College Station Business Advisory Committee.

City staff has developed a draft conceptual work plan that provides an overview and identifies four key functions that it believes to be critical to the overall success of this new entity. These are: communication, connection, recognition, and planning. They enable a foundation of diverse programs that the Business Advisory Committee may use to fulfill its overall mission and continue to support ongoing economic development efforts in College Station. Each can act independently or in coordination with any of the remaining three. The Council will be asked to provide further direction in identifying which programs it would like to see receive the highest priority.

In order to fully implement the new business committee, staff has also developed a general operating structure, drafted an enabling resolution, and identified a list of prospective members. Taking these elements into account, staff is now ready to proceed with the creation of the actual entity.

Using existing governance criteria found within the City Charter, the Business Advisory Committee will serve as an advisory body to the City Council and staff related to matters of economic development that create jobs, enhance the tax base, or improve the quality of life for all residents. It is the City's intent to keep the Business Advisory Committee's structure as a simple as possible, yet effective in its output.

Establishing the College Station Business Advisory Committee will require formal action by the College Station City Council; staff has drafted a resolution for its establishment and it authorizes the creation a committee of up to seven members with the purpose of providing advice and assistance for economic development to the City Council and staff.

Taking advantage of the deep and diverse professional experience in the local business community, staff has compiled a list of prospective members. From this list, the Council will be asked to take formal action appointing an appropriate number of members.

College Station Business Advisory Committee
Conceptual Work Plan

Operating Structure

The mission of the College Station Business Advisory Committee is to act as an advisory body to the College Station City Council and staff on matters of economic development that create jobs, enhance the tax base, or improve the quality of life for all residents. If expressly requested by the City Council the College Station Business Advisory Committee and/or its individual members may be engaged to serve in a more active role.

Unless stated otherwise, the College Station Business Advisory Committee will meet in the Economic and Community Development Department building at 1207 Texas Avenue South. A specific meeting schedule is yet to be determined.

The College Station Business Advisory Committee will consist of up to seven members with extensive professional experience in the local business community. Each member will serve an appointment of up to three years.

If a member is absent from three consecutive College Station Business Advisory Committee meetings without consent of other members, they shall forfeit their position. Any vacant positions will be filled and approved by the City Council. A new member thus appointed will serve the remainder of the unexpired term.

Subcommittees may be established when warranted. A subcommittee may be facilitated by a member of the Business Advisory Committee.

College Station Business Advisory Committee
Conceptual Work Plan

Overview

To help ensure that the City of College Station continues to be economically competitive, the establishment of a College Station Business Advisory Committee will serve as a valuable resource for both the City Council and staff. This expertise-based entity will be asked to analyze and understand information, act as an idea sounding board, offer broad perspective and guidance, and provide support for general economic development in College Station. The College Station Business Advisory Committee will focus on four key functions:

- Communication
- Connection
- Recognition
- Strategic Planning

Furthering these functions will assist in the facilitation of partnerships and the leveraging of public and private resources. As such, it will better promote and preserve a development environment that attracts and sustains successful businesses which create jobs, enhance the tax-base and improve the quality of life for College Station residents.

The Four Key Functions

Communication

Communication is an integral component to the success of any community endeavor. Businesses must effectively communicate with suppliers, vendors, customers, and their own workforce daily to discuss needs and understand expectations. Unfortunately, unless there is a strong coordinated effort, these conversations typically do not evolve into a community-wide dialogue. By bringing together the business community, the College Station Business Advisory Committee will have the opportunity to engage in valuable discussions that can lead to identifying fresh ideas, exchanging best practices, and creating new ventures and opportunities.

Potential Program	Description	Priority
Annual Business Forum	The opportunity for businesses to engage in face-to-face dialogue in a structured format.	TBD
Business Directory	A "Who's Who" of business leaders in College Station and how to contact them.	TBD
Continuing Education Workshops	Builds upon existing knowledge base and provides updates on how to be more successful collectively.	TBD
Lecture Series	Exposes participants to diverse and innovative ideas by hosting business-specific seminars.	TBD

College Station Business Advisory Committee
Conceptual Work Plan

Connection

Retention of existing businesses not only lays a valuable economic foundation for the community, but also fosters future growth and development benefiting individual businesses. Prospective businesses will decide to invest in College Station if they see the opportunity for success that current businesses already experience and enjoy. Linking prospective and existing business stakeholders to one another will create a valuable, interconnected network that functions as a cooperative benefit for the community.

Potential Program	Description	Priority
Business Mentor Program	Facilitates a peer-mentor or mentor-to-protégé relationship between business leaders.	TBD
Business-to-Business Newsletter	Provides a medium for businesses to gain additional exposure and stay informed with current news and upcoming events related to local businesses or industry.	TBD
Networking Events	Opportunities for leaders to form new professional contacts and strengthen existing business relationships.	TBD
Purchasing Partnerships	Uses economies of scale to increase competitiveness of local businesses.	TBD

Recognition

Each year College Station businesses provide innumerable benefits to the community and their respective industries, often in the form of service, leadership, or innovation. These types of benefits often go unnoticed by the general public and business peers; however, they play an important role in each company's philosophy. Offering a simple gesture of gratitude lets businesses and their workforce know they are appreciated and valued by the community.

Potential Program	Description	Priority
Aspiring Entrepreneur Program	Pairs advanced students and willing business leaders for a shadowing/mentoring opportunity.	TBD
Business Recognition Program	Recognizes local businesses that give back to the community or their respective industries. Such acknowledgments could include an "Award for Business Excellence," "Award for Community Service," and "Award for Adaptive Reuse."	TBD
Business Leaders Hall of Fame	Identifies extraordinary contributors to the local business community.	TBD

College Station Business Advisory Committee
Conceptual Work Plan

Strategic Planning

As a major component of economic development, strategic planning is an important tool that helps entities fulfill their long-term goals and visions. If planning and coordination efforts ceased, College Station would quickly begin to lose its competitive edge in the region. To ensure continued growth, the community needs to continue to look forward, understand where it wants to go, and chart a course on how to get there. City staff is responsible for the management and implementation of several key economic development initiatives. Within each of these, guidance and input are often needed from stakeholders in order to ensure proper planning. In turn the information gained can be used to for future opportunities and better refine strategic interests.

Potential Program	Description	Priority
Identification of Areas for Future Growth	Evaluation of locations and/or developments that demonstrate strong potential for future economic growth.	TBD
Incentives Policies	Reevaluates current economic development incentive policies to ensure appropriateness.	TBD
Economic Development Plan	Outlines future economic development goals, objectives, and implementation strategies.	TBD
Medical Corridor Study	Offers input and feedback on efforts between public and private sector partners.	TBD
Objectives for RVP and ECD	Provides recommendation of better defined roles and responsibilities between the Research Valley Partnership and City's Economic & Community Development Department.	TBD

List of Potential Members*

<u>Name</u>	<u>Business Affiliation</u>	<u>Specialty</u>
Hub Kennady	A & M Super Storage	Small Business
Dick Haddox	ANCO Insurance	Insurance
Larry Hodges	Copy Corner / Double Daves	Small Business
Tom Jackson	College Station Medical Center	Medical
John Clanton	Lynntech / Astin	Technology / Research
Tedi Ellison	Ellison Law Firm	Small Business / Civic
Britt Rice	Britt Rice Electric	Construction
Larry Marriott	Marriott Homes	Construction
Craig Browne	Ashford Square Realty	Real Estate
Barron Hobbs	Hilton Hotel	Hospitality
Wallace Phillips	Real Estate Development	Real Estate Development
Celia Goode-Haddock	University Title	Real Estate

* Have not been contacted as of yet, but feel they could potentially add to this particular effort.

Recommended by Mr. Kennady and Mr. Haddox

Hub Kennady

Dick Haddox

Randy French

Dennis Maloney

Tom Jackson

Tedi Ellison

**September 23, 2010
Workshop Agenda Item 4
False Alarms**

To: Glenn Brown, City Manager

From: Jeff Capps, Chief of Police

Agenda Caption: Presentation, possible action, and discussion regarding false alarms and possible strategies to reduce the number of police responses to false alarms.

Relationship to Strategic Goals: Goal I.8 Evaluate public safety needs

Recommendation(s): Amend current ordinance to require permits. Use contracted vendor to manage the permitting process and the collection of associated fees.

Summary: Staff seeks Council direction on possible amendment to current ordinance regarding regulation of false alarms. Staff seeks Council direction pertaining to inclusion in our code of ordinances a requirement that all residential and commercial alarm systems be permitted. Further, to explore the use of a third party vendor to manage the permitting process as well as the collection of excessive alarm fees.

Some Texas Cities that currently require alarm permits are; Bryan, Frisco, Plano, Carrollton and Austin.

Budget & Financial Summary: N/A

Attachments:

**September 23, 2010
Workshop Agenda Item 5
Discussion Related to Cell Phone use – Texting while Driving**

To: Glenn Brown, City Manager

From: Jeff Capps, Chief of Police

Agenda Caption: Presentation, possible action, and discussion regarding the use of cell phones while operating a motor vehicle, specifically as it relates to texting while driving.

Relationship to Strategic Goals: Goal I.8 Evaluating Public Safety Needs.

Recommendation(s): N/A

Summary: This workshop item was requested by Council to discuss the feasibility of banning cell phone use while operating a motor vehicle, specifically as it relates to “texting while driving”.

Budget & Financial Summary: N/A

Attachments: N/A

**September 23, 2010
Workshop Agenda Item 6
Smoking Ordinance Amendment**

To: Glenn Brown, City Manager

From: Hayden Migl, Assistant to the City Manager

Agenda Caption: Presentation, possible action, and discussion regarding a proposed amendment to the City's smoking ordinance defining smoking-related medical or scientific research and adding it as an exception.

Recommendation(s): Staff recommends approval of the amendment.

Summary: Staff has been contacted by a professor involved in smoking cessation research in the Department of Psychology at Texas A&M University regarding a possible amendment to the smoking ordinance defining smoking-related medical or scientific research and adding it as an exception.

The proposed amendment states that a smoking-related medical or scientific research "means an enclosed indoor workplace, to the extent that tobacco smoking is an integral part of a medical or scientific research study that has been sanctioned by an accredited university or medical institution."

The ordinance currently states that "Smoking is not allowed at any public meeting, in any public place, or in a workplace unless specifically permitted" as an exception. The only exceptions listed in the ordinance include actors or actresses in theatrical performance, specialty tobacco shops and hookah bars.

Budget & Financial Summary: N/A

Attachments:

1. Smoking ordinance – Defining smoking-related medical or scientific research and adding it as an exception

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 7, "HEALTH AND SANITATION", OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING SECTION 9, "TOBACCO PRODUCTS AND SMOKING", AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

PART 1: That Chapter 7, Section 9, of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Thousand Dollars (\$2000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its date of passage by the City Council, as provided by Section 35 of the Charter of the City of College Station.

PASSED, ADOPTED and APPROVED this 23rd day of September, 2010.

APPROVED:

MAYOR

ATTEST:

City Secretary

APPROVED:



City Attorney

EXHIBIT "A"

SECTION 9: TOBACCO PRODUCTS AND SMOKING

A. Definitions

- (1) **Public Meeting** means a meeting required to be open to the public under TEX. GOVT. CODE, Chapter 551.
- (2) **Public Place** means an enclosed, indoor area to which the public has access and includes, but is not limited to the following:
 - (a) the common areas of a retail store, office, grocery store, or other commercial establishments;
 - (b) a restaurant or cafeteria;
 - (c) a public or private or secondary school;
 - (d) a public or private institution of higher education;
 - (e) a hospital or nursing home;
 - (f) an elevator;
 - (g) City and school buses;
 - (h) City building, owned or leased by the City and used for City purposes;
 - (i) an enclosed theater, auditorium, movie house, or arena;
 - (j) a courtroom or a jury waiting or deliberation room; or
 - (k) bar or bar area
- (3) **Smoke** or **smoking** includes:
 - (a) carrying or holding a lighted pipe, cigar or cigarette of any kind or any other lighted smoking equipment or device;
 - (b) lighting a pipe, cigar, or cigarette of any kind or any other smoking equipment or device; or
 - (c) emitting or exhaling the smoke of a pipe, cigar, or cigarette of any kind or any other smoking equipment or device.
- (4) **Bar.** A bar is an establishment that is dedicated predominately to the serving of alcohol rather than food.

- (5) **Bar area.** A bar area is an area physically separated from a food serving area dedicated predominately to the serving of alcohol rather than food.
- (6) **Tobacco specialty shop** means any establishment that is dedicated to the sale or rental of tobacco, tobacco-related products and accessories for consumption or use on or off the premises and more than 60% of the revenues must come from the sale or rental of tobacco and tobacco-related products.
- (7) **Workplace** means an enclosed area in which employees work or have access during the course of their employment.
- (8) **Hookah bar** means a bar in which the on-site sales or rentals of hookah tobacco products and smoking accessories for consumption or use on the premises exceeds 30% of gross revenues.
- (9) Smoking-related medical or scientific research means an enclosed indoor workplace, to the extent that tobacco smoking is an integral part of a medical or scientific research study that has been sanctioned by an accredited university or medical institution.

B. Offense; Penalty.

- (1) A person commits an offense if the person smokes at a public meeting, in a public place, in a workplace or in any other enclosed, indoor area in which “no smoking” signs are conspicuously posted by the person in charge, and the person is not in an area designated as a smoking area under Subsection C below.
- (2) It shall be an affirmative defense to the application of provision (1) of this subsection that the person is smoking:
 - (a) as an actor or actress in a theatrical performance; or
 - (b) at a tobacco specialty shop; or
 - (c) at a hookah bar; or
 - (d) as required of a participant in a smoking-related medical or scientific research study.

Smoking shall be allowed and smoking signs are not required to be posted by the person in charge under Subsection C when smoking is permitted by Subsection B(2)a and B(2)b and B(2)c and B(2)d. Smoking is not allowed at any public meeting, in any public place, or in a workplace unless specifically permitted by Subsection B(2)a and B(2)b and B(2)c and B(2)d.

C. Designation of No Smoking and Smoking Areas

- (1) The person in charge shall designate the following areas as “non-smoking”:
 - (a) food order areas, cashier areas, check-out lines for stores;

- (b) City library;
 - (c) elevators;
 - (d) City and school buses, including associated terminals;
 - (e) restrooms;
 - (f) movie theaters, hospitals, and rest home facilities;
 - (g) all other public places including restaurants, cafeterias, bars, bar areas; and
 - (h) workplaces.
 - (i) within a ten feet (10') radius of bars and bar areas entry ways;
 - (j) within a twenty feet (20') radius of the entry ways of all other public places or workplaces
- (2) Smoking areas shall not be designated to cover areas in provisions (1)(a) through (1)(j) of this subsection. It is not required that any smoking areas be designated.

D. Signs

- (1) The person in charge of a public place or workplace shall place signs visible at each entrance of the building to notify persons entering that smoking is prohibited or that smoking is prohibited except in areas designated as smoking areas.
- (2) The person in charge shall conspicuously post signs in areas designated as a smoking area that smoking is permitted in the area.

E. Facilities to Extinguish Smoking Material

All public places shall be equipped for extinguishments of smoking materials. Facilities for extinguishments of smoking materials that are located in areas of public places other than designated smoking areas shall be accompanied by clearly visible signs, stating "no smoking".

F. Owner/Operator Responsible

A person commits an offense if he is the owner, operator, manager or an employee of an establishment and he intentionally permits or fails to make a reasonable effort to prevent smoking in a "no smoking" area.