

Docket Item #7
Text Amendment 2007-0003
SMOKE FREE RESTAURANTS

Planning Commission Meeting
May 1, 2007

ISSUE: Consideration of a request for amendments to the Zoning Ordinance to add definitions under new Sections 2-190.1 and 2-193.1, and to add new Section 7-2200 relating to requirements for smoke-free restaurants.

STAFF: Department of Planning and Zoning and Office of the City Attorney

CITY COUNCIL ACTION, MAY 12, 2007: City Council deferred this item until the June 16, 2007 Public Hearing.

PLANNING COMMISSION ACTION, MAY 1, 2007: On a motion by Mr. Komoroske, seconded by Mr. Dunn the Planning Commission action voted to recommended approval of the text amendment. The motion carried on a vote of 4 to 2, with Mr. Robinson and Mr. Jennings voting against. Ms. Fossum was absent.

Speakers:

Karyn Kimberling of Virginia Smokers Alliance spoke in opposition to the ordinance, stating that there is no empirical evidence that secondhand smoke is harmful.

Colonel David Fielder, 119 Prince Street, spoke in opposition to the ordinance, stating that the case for the ordinance is supported by undocumented statistics and that this is a dangerous assumption of authority and misuse of zoning laws that will be open to litigation.

Dr. Amy Bursell spoke in opposition to the ordinance, stating that a report by the World Health Organization does not indicate any ill effects from secondhand smoke. She also testified that the City should not attempt to regulate behavior through the zoning ordinance.

Karen Cassady spoke in opposition to the ordinance, stating that a study of former flight attendants exposed to secondhand smoke showed little incidence of cancer.

Vernon Grandgeorge, a business owner speaking on behalf of Joe Thiesman's restaurant, expressed concerns about the ordinance relative to potential economic impact and enforcement. He also said that a statewide ban would be more equitable.

Mike Anderson, restaurant owner, and chair of the Small Business Development Center, stated that the marketplace should determine the smoking policy. Restaurants have created non-smoking sections in response to the market. He is not in favor of using the SUP process to regulate smoking.

Charlotte Hall, speaking on behalf of the Alexandria Chamber of Commerce, testified that the Chamber does not support use of the SUP process to regulate smoking in restaurants. There already is a voluntary non-smoking program that is available to restaurants. She offered that the Alexandria Chamber could work with chambers from other local jurisdictions, if given time, to raise awareness if a more comprehensive smoking ban were to be considered.

Terry Hargrove of the American Lung Association spoke in support of the ordinance. She cited the number of deaths in Virginia attributed to smoking and to exposure to secondhand smoke. She stated that this is a public health issue. There are many employees who work in businesses in the City who are exposed to secondhand smoke.

Keenan Caldwell of the American Cancer Society spoke in support of the ordinance. He stated that the science is clear that secondhand smoke is a danger. He indicated that there are studies which show that employee's health improves after smoking bans are in effect.

Annabelle Fisher spoke in opposition to the ordinance. She stated that the City should maintain the volunteer program already in effect. Let restaurants decide, some of whom have already installed exhaust systems to ventilate air.

Franco Landini, restaurant owner, spoke in opposition to the ordinance. He indicated that he has invested in a venting system to dissipate smoke in his restaurant and that it is not fair to ban smoking. He also does not agree to the ban on smoking in outdoor seating areas.

David Fromm spoke in opposition to the ordinance. He stated that the SUP process is not the appropriate vehicle to address this problem.

DISCUSSION

On February 15, 2007, City Council requested that a text amendment related to smoke free restaurants be docketed for consideration and possible referral to the Planning Commission.

On February 27, 2007 City Council made a referral to the Planning Commission and initiated the process of amending the Zoning Ordinance to require smoke-free restaurants in Alexandria.

On June 27, 2006, the Surgeon General of the United States issued a comprehensive scientific report which concluded that there is no risk-free level of exposure to secondhand smoke, and that even brief secondhand smoke exposure can cause immediate harm. In addition, there appears to be abundant evidence of the inadequacy of many existing restaurants' no smoking policies to protect nonsmoking patrons and workers from secondhand smoke.

Almost three-quarters of Americans who live and work in the top 100 metropolitan areas in this country are protected by law from any exposure to secondhand smoke in restaurants and attached bars, including those in Boston, New York, Philadelphia, Washington D.C. and Montgomery and Prince George's Counties, and now Baltimore, Maryland. Also this year, Maryland joined 18 states and the District in restricting smoking to protect bar patrons and workers from secondhand smoke.

In a July 24, 2006 editorial, Nation's Restaurant News, a leading industry publication, acknowledged mounting evidence which shows that smoke free restaurant policies in fact help increase business, and concluded that it was time for restaurant trade associations and operators to abandon their historical opposition to such policies. The confluence of these developments strongly suggests that in a metropolitan area such as this, a jurisdiction where smoking is permitted in restaurants and bars is likely, overall, to suffer an economic disadvantage vis-à-vis jurisdictions which have a uniform ban.

The rationale for the proposed regulations is that restaurants which receive a zoning permit or some other benefit from the City must, as a condition of receiving or retaining that permit or benefit, agree to operate as a smoke-free establishment. Existing restaurants which do not agree may continue to operate, but will be severely restricted, and in some cases effectively precluded, from making any significant changes or improvements, and may be required to cease existing operations after seven years.

A smoke free restaurant is defined as a restaurant which does not permit patron or employee smoking within or on the premises, including without limitation in any bar, lounge, dining, patio, outdoor seating, waiting, storage or other area, except for exterior sidewalks and parking areas 20 feet or more from an entrance, operable window, patio or outdoor seating area.

Under current Virginia law the City is prohibited from adopting a direct ban on all smoking in restaurants and bars, of the type recently adopted in Maryland, the District of Columbia and Montgomery County. Under a direct smoking ban, a patron who smokes in a restaurant him-or

herself commits a violation of the no-smoking ordinance. However, nothing in Virginia law prevents a restaurant owner from prohibiting smoking throughout the establishment. A patron who disregards such an owner-imposed ban and refuses to leave the premises commits a trespass, and not a no-smoking violation.

Based on these factors, the City does have the authority, as part of its Zoning Ordinance, to require that restaurants and bars in the City operate as smoke-free establishments.

As part of its outreach efforts, the City mailed notice of the proposed regulations to all restaurants in the City, posted the draft regulations on the City's Website, provided briefings to the press and sponsored an informational meeting on April 4, 2007 with Alexandria restaurant owners and operators to discuss the proposed regulations.

The proposed amendment to the Zoning Ordinance would require the following:

All new restaurants and bars must agree, as a condition of their SUP, to operate as smoke-free establishments.

- Every existing restaurant or bar governed by an existing SUP, which seeks an SUP amendment, or is subject to a mandatory SUP review, must agree to operate as a smoke-free establishment, within three months after the approval of the amendment or review.
- Every existing restaurant and bar which uses the public right-of-way for outdoor seating must agree to operate as a smoke-free establishment within three months after the effective date of the Ordinance.
- Every "grandfathered" restaurant, i.e., one which predates the SUP requirements, must agree to operate as a smoke-free establishment within three months of the effective date of the Ordinance, or will lose its favored "grandfathered" status, and become a non-conforming use, subject to restrictions on replacing and upgrading its equipment, and to a seven-year abatement period.
- Every existing restaurant which operates pursuant to an existing SUP, must agree to operate as a smoke-free establishment within three months of the effective date of the ordinance, or will become a non-conforming use, subject to restrictions on replacing and upgrading its equipment, and to a seven-year abatement period.
- Every existing restaurant which changes its ownership, name, liquor license holder, or type or style cuisine, will be treated as a new restaurant.

Under these proposed regulations a new restaurant shall include, without limitation, a change in ownership or control, a change in name, a change in Virginia Alcoholic Beverage Control Board license, or a change in type or style of cuisine.

PROPOSED TEXT CHANGES:

[THE FOLLOWING IS ALL NEW LANGUAGE.]

Section 2-100 Definitions.

- 2-190.1 Restaurant, smoke-free. A restaurant which does not permit patron or employee smoking within or on the premises, including without limitation in any bar, lounge, dining, patio, outdoor seating, waiting, storage or other area, except for exterior sidewalks and parking areas 20 feet or more from an entrance, operable window, patio or outdoor seating area.
- 2-193.1 Smoking. The act of smoking or carrying a lighted or smoldering cigar, cigarette or pipe of any kind, or lighting a cigar, cigarette or pipe of any kind.

Section 7-2200 Smoke-free restaurants required.

- 7-2201 Any new restaurant for which a special use permit pursuant to Section 11-500, or for which an administrative permit pursuant to Section 6-600, Section 6-700 or Section 6-800, or for which a building permit pursuant to Section 4-700 of this ordinance, is approved after [effective date] shall, as a condition of such permit, agree to operate as a smoke-free restaurant.
- 7-2202 Any restaurant existing on [effective date] for which a special use permit pursuant to Section 11-500, or for which an administrative permit pursuant to Section 6-600, Section 6-700 or Section 6-800, or for which a building permit pursuant to Section 4-700 of this ordinance, is approved, reviewed or amended after [effective date] shall, as a condition of such permit, agree to operate as a smoke-free restaurant, within three months after the approval, review or amendment of such permit.
- 7-2203 Every restaurant with outdoor seating located in the public right-of-way existing on [effective date] shall, as a condition of the continued right to use the public right-of-way, agree to operate as a smoke-free restaurant within three months after [effective date].
- 7-2203 Every grandfathered restaurant existing on [effective date] shall, as a condition of the continued right to be classified as a grandfathered use, agree to operate as a smoke-free restaurant within three months of [effective date].

- 7-2204 Every restaurant existing on [effective date] for which a special use permit pursuant to Section 11-500, or for which an administrative permit pursuant to Section 6-600, Section 6-700 or Section 6-800, or for which a building permit pursuant to Section 4-700 of this ordinance, has been approved, shall agree to operate as a smoke-free restaurant within three months of [effective date].
- 7-2205 Every restaurant which is not a smoke-free restaurant as required pursuant to Section 7-2203 and Section 7-2204 shall be classified as a nonconforming use subject to Section 12-214 of this ordinance.
- 7-2206 For purposes of this Section 7-2200, “a restaurant existing on [effective date]” shall not be deemed to include a new restaurant at the same location as a restaurant which operated on [effective date]. Indicia of a new restaurant shall include, without limitation, a change in ownership or control, a change in name, a change in Virginia Alcoholic Beverage Control Board licensee, or a change in type or style of cuisine.
- 7-2207 The provisions of this Section 7-2200 shall preempt any contrary provisions of the City Code or this ordinance.

STAFF: Ignacio Pessoa, City Attorney
Richard Josephson, Deputy Director

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6-16-07



Barbara Carter/Alex
04/04/2007 03:43 PM

To Richard Josephson/Alex@ALEX, Peter Leiberg/Alex@Alex,
Stephen Milone/Alex@ALEX
cc Kendra Jacobs/Alex@Alex
bcc
Subject Fw: Planning and Zoning - Contact Us - Email for PnZ
General Feedback (pnzfeedback@alexandriava.gov)

Barbara L. Carter
Department of Planning and Zoning
301 King Street, Suite 2100
Alexandria, VA 22314
703.838.3866 ext. 306

----- Forwarded by Barbara Carter/Alex on 04/04/2007 03:41 PM -----



<Jdavis@vfw.org>

04/04/2007 02:39 PM

Please respond to
<Jdavis@vfw.org>

To <pnzfeedback@alexandriava.gov>

cc

Subject Planning and Zoning - Contact Us - Email for PnZ General
Feedback (pnzfeedback@alexandriava.gov)

Time: [Wed Apr 04, 2007 14:39:39] IP Address: [66.107.85.130]

Submit Date: April 4, 2007
First Name: Joe
Last Name: Davis
Street Address: 801 Wolfe Street
City: Alexandria
State: VA
Zip: 22314
Email Address: Jdavis@vfw.org

Comments:

I strongly support your smoking ban initiative. My wife and I frequent the Fish Market, which was one of the first restaurants to voluntarily go smoke free. The first few Friday nights had an empty bar, but now it's packed with new customers. The rights of the 20% who smoke do not outweigh the

rights of the 80% to breathe untainted air. If the smokers threaten to go elsewhere, let them. They'll be replaced by larger numbers.

SPEAKER'S FORM

DOCKET ITEM NO. 8

PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK
BEFORE YOU SPEAK ON A DOCKET ITEM.

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

- 1. **NAME:** Terry Hargrove
- 2. **ADDRESS:** 9221 Forest Hill Avenue, *Richmond, VA*
TELEPHONE NO. 804-267-1900 **E-MAIL:** thargrove@lungva.org
- 3. **WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF?**
American Lung Association of Virginia
- 4. **WHAT IS YOUR POSITION ON THE ITEM?**
For
- 5. **NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):**
Lobbyist
- 6. **ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL?**
Yes

This form shall be kept as a part of the permanent record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of three minutes will be allowed for your presentation, except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard on a docket item shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation. If you have a prepared statement, please leave a copy with the Clerk.

Additional time not to exceed 15 minutes may be obtained with the consent of the majority of the council present; provided notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at public hearing meetings, and not at regular legislative meetings. Public hearing meetings are usually held on the Saturday following the second Tuesday in each month; regular legislative meetings on the second and fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item at a legislative meeting can be waived by a majority vote of council members present but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply. If an item is docketed *for public hearing* at a regular legislative meeting, the public may speak to that item, and the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at public hearing meetings. The mayor may grant permission to a person, who is unable to participate in public discussion at a public hearing meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular legislative meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

Guidelines for the Public Discussion Period

- (a) All speaker request forms for the public discussion period must be submitted by the time the item is called by the city clerk.
- (b) No speaker will be allowed more than three minutes; except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard during the public discussion period shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation.
- (c) If more speakers are signed up than would be allotted for in 30 minutes, the mayor will organize speaker

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PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

- 1. **NAME:** Cathleen Smith Grzesiek
- 2. **ADDRESS:** 4217 Park Place Court, Glen Allen, VA 23060
TELEPHONE NO. 804-965-6511 **E-MAIL:** cathleen.grzesiek@heart.org
- 3. **WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF?**
American Heart Association
- 4. **WHAT IS YOUR POSITION ON THE ITEM?**
For
- 5. **NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):**
Public Health Advocate
- 6. **ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL?**
Yes

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6-16-07



<rpowell.dc@verizon.net>

06/20/2007 08:29 AM

Please respond to
<rpowell.dc@verizon.net>

To <alexvamayor@aol.com>, <timothylovain@aol.com>, <councilmangaines@aol.com>, <council@krupicka.com>, <delpepper@aol.com>, <paulcsmedberg@aol.com>

cc

bcc

Subject COA Contact Us: Smoking Ban



Time: [Wed Jun 20, 2007 08:29:41] IP Address: [71.252.103.130]

Response requested: []

First Name: Ronald
Last Name: Powell
Street Address: 1435 N. Scott Street
City: Arlington
State: VA
Zip: 22209
Phone: 202-616-4739
Email Address: rpowell.dc@verizon.net
Subject: Smoking Ban

To the Mayor, Vice-Mayor and Council Members,

Kudos to you for taking the important but difficult step in enacting a smoking ban in city restaurants. It is long overdue and in the best interest of the public and the Alexandria taxpayer.

Comments: I have been spending much of my time and money in Washington, DC lately, as well as the many Arlington bars and restaurants that have gone smoke free. I will certainly look forward to returning to Alexandria to spend my money, and I know that I am not alone.

Sincerely,

Ron Powell



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RECEIVED 6-16-07
JUN 18 2007

14160 Newbrook Drive | Suite 200 | Chantilly, Virginia 20151 | 703.421.1100 | www.nvbia.org

June 14, 2007

Honorable William D. Euille, Mayor and
Members of City Council
City of Alexandria
City Hall, Room 2300
301 King Street
Alexandria, Virginia 22314

Re: Docket Item #8, Proposed Smoke-Free Restaurant Act

Dear Mayor Euille and Members of Council:

I write to you today on behalf of the Urban Chapter (Alexandria and Arlington) of the Northern Virginia Building Industry Association (NVBIA) to express our concern regarding the proposed Smoke-Free Restaurant Act.

The Northern Virginia Building Industry Association is a 501(c)6 not-for-profit organization. NVBIA advocates and fosters an economic and political climate within which its members are able to provide a full range of development and housing opportunities. Our members rely on the land use process in the local jurisdictions in order to provide quality development that makes the community vibrant and economically stable. Our membership is concerned about this proposed text amendment for two reasons, including the increased burden a requirement such as this places on the land use process and the disadvantage this additional restriction will place on Alexandria's businesses.

First, the purpose of the Special Use Permit ("SUP") is to regulate the impact of a use to the surrounding community. Over the years, the process has become burdensome, unpredictable and overly restrictive. Even in this atmosphere, however, businesses doing business in Alexandria should be able to rely on the general purpose for the land use process as well as the legal restrictions placed on the locality by the Dillon Rule requiring that localities act only if the General Assembly has expressly granted the authority to act, to provide a framework within which they can expect to be regulated. However, the proposed text amendment pushes even those outer limits and uses the land use process for a purpose that is not anticipated. We urge you to look at text amendments that will improve the SUP process rather than further burden the process.

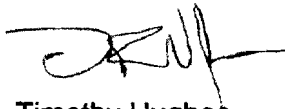
Second, we have members who provide development in the City on a regular basis and are continually encouraged by the City Council, Planning Commission, and City Staff to provide vibrant projects that will bring a mixture of uses including retail and restaurants to the City. The Special Use Permit ("SUP") process required for restaurants in the City already places a burden on restaurants doing business in Alexandria that is not required in adjacent jurisdictions such as

Arlington and Fairfax. Adding an additional restriction that is not required of restaurants in adjacent jurisdictions puts Alexandria's restaurants at even more of a disadvantage. This proposed regulation runs counter to the City policy of encouraging full service restaurants in mixed use districts in the City. Our members are concerned that the vibrant, mixed use developments that the City is looking for will not be possible in this kind of regulatory environment.

The Urban Chapter's concern with this new regulation is not about the goal of achieving non smoking restaurants in Alexandria which is a laudable goal that can be achieved through the use of incentive programs or initiatives such as "Proud to be Smoke Free." The concern is that Alexandria's attempt to be innovative places the burden on the local businesses and creates a difficult atmosphere in which to do business for exactly the type of uses the City desires to attract. These new regulations will be costly to the City, either through litigation costs, or lost business due to the competition with businesses in other jurisdictions.

We urge you to support the local businesses in Alexandria and deny the proposed Smoke-Free Restaurant Act.

Sincerely,

A handwritten signature in black ink, appearing to read 'Timothy Hughes', with a long horizontal flourish extending to the right.

Timothy Hughes
President, Urban Chapter, NVBIA



"Patty W."
<patty51w@yahoo.com>
06/18/2007 01:38 PM

To <jackie.henderson@alexandriava.gov>
cc
bcc
Subject My comments to the City Council

8

6-16-07

Dear Ms. Henderson:

I am sending this email to you because I am told that you are the Clerk of the City Council and that if I want to send an email to the entire City Council that it is to be sent to you. Thus I am doing so and would appreciate it if you would pass my thoughts and comments along.

To the City Council:

As a (**VERY**) long-time resident of Alexandria, I am **THRILLED** by the action that you recently took regarding no longer allowing smoking in Alexandria restaurants! My two immediate thoughts on this are "**RIGHT ON!!!**" and "what took you so long?". I must also say that in addition to being a **GREAT** move on your part, it is certainly a "**gutsy**" one as well, seeing as how we are in a tobacco state!

I know that (some) smokers are forever bemoaning the fact that they have rights too. But as far as **I** am concerned, their rights stop at the end of my nose. **NO ONE** has the right to endanger other people's health!! I can't tell you how often I have been seated in the non-smoking sections of restaurants and still, nevertheless, been clearly able to smell smoke. Apparently the smoke doesn't know where it's supposed to stop!

As I said, I am absolutely **THRILLED** by the wonderful action that you recently took to ban smoking in Alexandria restaurants and I only hope that you don't "cave" and change your minds once you are confronted by the very angry smokers who will undoubtedly let you know how *they* feel about your recent decision. Please "hang tough" and do **NOT** change your minds now that the **RIGHT** decision has finally been made -- not to be too dramatic here, but a decision that may **literally** save lives!!!

Patty Winters
915 North Van Dorn Street
Apartment 202
Alexandria, Virginia 22304-5953
(703/370-5311)

Take the Internet to Go: Yahoo!Go puts the Internet in your pocket: mail, news, photos & more.

EXHIBIT NO. 1

8
6-16-07



Richard Josephson/Alex

06/11/2007 04:26 PM

To Kendra Jacobs/Alex@Alex, Jackie Henderson/Alex@Alex

cc

bcc

Subject Fw: Revisions to Proposed Smoke-Free Restaurant Act

----- Forwarded by Richard Josephson/Alex on 06/11/2007 04:25 PM -----

Ignacio Pessoa/Alex

05/25/2007 12:27 AM

To wmeuille@wdeuille.com, alexvamayor@aol.com,
delpepper@aol.com, ludwig@gainwithgaines.com,
Councilmangaines@aol.com, rob@krupicka.com,
smedbergpc@aol.com, timothylovain@aol.com

cc Jim Hartmann/Alex@Alex, Michele Evans/Alex@Alex, Faroll
Hamer/Alex@ALEX, Richard Josephson/Alex@ALEX,
charles.konigsberg@vdh.virginia.gov, Bernard Caton/Alex@Alex,
Jackie Henderson/Alex@Alex, Gloria Sitton/Alex@Alex

Subject Revisions to Proposed Smoke-Free Restaurant Act

As requested by the Mayor and Council on May 22, I have drafted several revisions to the proposed Smoke-Free Restaurant Act for consideration at the public hearing on June 16. The revisions are described in the attached memo.

Please let me know if you have any questions at this time.



Smoke-Free Act Revision Memo.pdf

MEMORANDUM

TO: THE HONORABLE MAYOR AND
MEMBERS OF CITY COUNCIL

FROM: IGNACIO B. PESSOA *IBP*
CITY ATTORNEY

DATE: MAY 25, 2007

SUBJECT: PROPOSED REVISIONS TO SMOKE-FREE RESTAURANT ACT

Issue: Consideration of proposed revisions to the text amendment to the Zoning Ordinance to require smoke-free restaurants.

Recommendation: That City Council consider these proposed revisions at the public hearing on the text amendment on June 16, 2007.

Discussion: On May 22, 2007, City Council requested that I draft revisions to the text amendment to require smoke-free restaurants, based upon comments received during the Planning Commission's public hearing on the text amendment, conducted on May 1, 2007, and during the public informational session held by the Mayor and staff on April 4, 2007. The attached revisions include three proposed changes.

First, outdoor dining areas are excluded from the proposed regulations. Thus, a restaurant may, but is not required to, permit smoking in outdoor areas. Some comments suggested that most jurisdictions in the D.C. metropolitan area, and nationally, did not include outdoor areas within their no-smoking regulations.

Second, restaurants which have a completely separate and independent HVAC system, to service all areas of the restaurant in which smoking is permitted, exclusive of all non-smoking areas, are given an extended, five year period, before they are required to make a smoke-free election. Comments suggested that restaurants which, prior to formal public notice and discussion of the text amendment, had invested in such systems, and thus had taken extra steps to protect patrons from unwilling exposure to second-hand smoke, should have an extended period within which to become smoke-free.

Third, a "reenactment clause" is included, which provides that the ordinance to adopt the text amendment will not become effective unless it is readopted by Council during the legislative session which starts in September 2007. If readopted, the effective date for ordinance would be July 1, 2008. Most restaurants would then have three months, i.e., until October 1, 2008, to make their election. Restaurants described in the preceding paragraph would have until July 1, 2013. Several speakers urged the City to delay implementation of new regulations, and attempt either to expand the current, voluntary smoke-free restaurant initiative, or to attempt to coordinate a regional response with surrounding Virginia jurisdictions to address the hazard of second hand smoke. The reenactment clause permits Council to adopt a formal smoke-free

policy at this time, but to allow such efforts to be undertaken before any regulatory changes are finally adopted and take effect.

As a final point, data published today by the Centers for Disease Control and Prevention, shows that as of 2003 almost 75 percent of households in this country, including those in Virginia, Maryland and the District of Columbia, have established rules which ban all smoking inside the home. Ten years prior, that number was 39 percent. The logical inference is that people who enforce a smoke-free environment within their own homes will expect and require a smoke-free environment in their dining and entertainment venues. Thus, this data dramatically buttresses the economic argument which underlies the use of the City's zoning authority as contemplated by the proposed ordinance. Put simply, a jurisdiction which tolerates restaurant smoking puts itself at a competitive disadvantage as a dining, entertainment and tourism venue.

Cc: James K. Hartmann
City Manager

Michele Evans
Deputy City Manager

Faroll Hamer
Director of Planning and Zoning

Charles Konigsberg, Jr., M.D.
Health Director

Bernard Caton
Legislative Director

1
2 CITY OF ALEXANDRIA
3 PROPOSED SMOKE-FREE RESTAURANT ACT
4 REVISED MAY 25, 2007

5 [THE FOLLOWING IS ALL NEW LANGUAGE]
6 [REVISIONS ARE SHOWN WITH STRIKEOUTS AND UNDERLINING]

7
8 Section 2-100 Definitions.

9
10 2-190.1 Restaurant, smoke-free. A restaurant which does not permit patron or employee
11 smoking within or on the premises, including without limitation in any bar,
12 lounge, dining, ~~patio, outdoor seating~~, waiting, storage or other enclosed area, or
13 area under permanent roof or cover, ~~except for exterior sidewalks and parking~~
14 ~~areas 20 feet or more from an entrance, operable window, patio or outdoor seating~~
15 ~~area.~~

16
17 2-193.1 Smoking. The act of smoking or carrying a lighted or smoldering cigar, cigarette
18 or pipe of any kind, or lighting a cigar, cigarette or pipe of any kind.

19
20 Section 7-2200 Smoke-free restaurants required.

21
22 7-2201. Any new restaurant for which a special use permit pursuant to Section 11-500, or
23 for which an administrative permit pursuant to Section 6-600, Section 6-700 or
24 Section 6-800, or for which a building permit pursuant to Section 4-700 of this
25 ordinance, is approved after [effective date] shall, as a condition of such permit,
26 agree to operate as a smoke-free restaurant.

27
28 7-2202 Any restaurant existing on [effective date] for which a special use permit pursuant
29 to Section 11-500, or for which an administrative permit pursuant to Section 6-
30 600, Section 6-700 or Section 6-800, or for which a building permit pursuant to
31 Section 4-700 of this ordinance, is approved, reviewed or amended after
32 [effective date] shall, as a condition of such permit, agree to operate as a smoke-
33 free restaurant, within three months after the approval, review or amendment of
34 such permit.

35
36 7-2203 Every restaurant with outdoor seating located in the public right-of-way existing
37 on [effective date] shall, as a condition of the continued right to use the public
38 right-of-way, agree to operate as a smoke-free restaurant within three months
39 after [effective date].

40
41 7-2203 Every grandfathered restaurant existing on [effective date] shall, as a condition of
42 the continued right to be classified as a grandfathered use, agree to operate as a

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smoke-free restaurant within three months of [effective date].

7-2204 Every restaurant existing on [effective date] for which a special use permit pursuant to Section 11-500, or for which an administrative permit pursuant to Section 6-600, Section 6-700 or Section 6-800, or for which a building permit pursuant to Section 4-700 of this ordinance, has been approved, shall agree to operate as a smoke-free restaurant within three months of [effective date].

7-2205 Every restaurant which is not a smoke-free restaurant as required pursuant to Section 7-2203 and Section 7-2204 shall be classified as a nonconforming use subject to Section 12-214 of this ordinance.

7-2206 For purposes of this Section 7-2200, "a restaurant existing on [effective date]" shall not be deemed to include a new restaurant at the same location as a restaurant which operated on [effective date]. Indicia of a new restaurant shall include, without limitation, a change in ownership or control, a change in name, a change in Virginia Alcoholic Beverage Control Board licensee, or a change in type or style of cuisine.

7-2207 The provisions of this Section 7-2200 shall preempt any contrary provisions of the City Code or this ordinance.

7-2208 Notwithstanding any contrary provision of this Section 7-2200, a restaurant which, on May 1, 2007 and thereafter, has in operation a completely separate and independent HVAC system, to service all areas of the restaurant in which smoking is permitted, exclusive of all non-smoking areas, shall comply with the provisions of this Section 7-2200 within five years of [effective date].

7-2209 The provisions of this Section 7-2200 shall not become effective unless reenacted by the City Council during the legislative session commencing in September 2007, and if so reenacted, the effective date shall be July 1, 2008.

City of Alexandria, Virginia

MEMORANDUM

DATE: JUNE 14, 2007

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

THROUGH: JAMES K. HARTMANN, CITY MANAGER *JKH*

FROM: FAROLL HAMER, DIRECTOR *FH*
DEPARTMENT OF PLANNING AND ZONING

SUBJECT: SMOKE FREE RESTAURANT ORDINANCE, TEXT AMENDMENT
2007-0003

On May 1, 2007, the Planning Commission recommended approval (on a vote of 4 to 2) of a text amendment that would require restaurants in the City to operate as smoke free establishments as a condition of their approved Special Use Permit. Existing restaurants that already have an SUP or restaurants that operate as grandfathered uses would have three months to institute no smoking requirements or risk becoming nonconforming uses subject to a seven year abatement period.

There were a number of people who testified at the Planning Commission hearing on this subject, both in opposition to and in support of the ordinance. Some speakers strenuously opposed the ordinance as an infringement on their rights, while some supported it as a means of protecting the health of workers and the public. Some others, including restaurant operators, testified that the ordinance would have a negative impact on their business and negate the investment that some have made toward installation of ventilation systems to reduce the effects of secondhand smoke. Others testified that the City should continue to encourage the existing voluntary program for restaurants and some spoke in favor of a regional smoke free initiative with surrounding Virginia jurisdictions. Some of the speakers expressed opposition to the City regulating behavior through its zoning regulations.

In his May 25, 2007 memo to City Council, the City Attorney acknowledges some of these concerns and provides revisions to the proposed ordinance to address them. The revisions include three proposed changes:

- Outdoor dining areas would be excluded from the proposed regulations

- Restaurants that have a separate and independent HVAC system for smoking areas would be given an extended five year period to implement no smoking requirements
- Through a reenactment clause, the ordinance would not be effective unless the Council readopts it during their legislative session which starts in September 2007. If readopted, the ordinance would take effect on July 1, 2008.

The Planning Commission did not have an opportunity to hold a public hearing on the revisions, as their last public meeting was held on June 5, 2007. However, the staff polled them individually on each amendment. Five commissioners responded.

It should be noted that concerning the first amendment, allowing smoking in outdoor dining areas, the Planning Commission did hold a public hearing on proposed changes to the King Street outdoor dining program at their June 5 meeting. At that time, they voted unanimously to recommend to Council that smoking not be allowed in outdoor dining areas in the public right-of-way along King Street.

Concerning the provision of a time extension, four Commissioners agreed with the extension and one Commissioner felt that more information was needed on the number of restaurants that have installed HVAC equipment in areas where smoking is allowed. All five of the Commissioners responding agreed with the provision that requires reenactment. Four of the five stated that it would be advisable, given the substantive nature of the amendments, to hold another Planning Commissioner hearing.



<justinlc2003@yahoo.com>

06/18/2007 07:55 AM

Please respond to
<justinlc2003@yahoo.com>

To <alexvamayor@aol.com>, <timothylovain@aol.com>,
<councilmangaines@aol.com>, <council@krupicka.com>,
<delperpe@aol.com>, <paulcsmedberg@aol.com>,

cc

bcc

Subject COA Contact Us: Smoking in bars

8
6-16-07

Time: [Mon Jun 18, 2007 07:55:29] IP Address: [8.15.129.245]

Response requested: []

First Name: Justin
Last Name: Corsetti
Street Address: 6301 Stevenson Ave
1006
City: alexandria
State: va
Zip: 22304
Phone: 703-380-7935
Email Address: justinlc2003@yahoo.com
Subject: Smoking in bars

Comments:

Please do not ban smoking in Alexandria. You know people have a choice to go to a place that allows smoking or does not. I don't ever hear of business saying smoking is bad for there bottom line. I guess what I am saying is if you don't want to be around smoke stay away from places that allow it dont just ban smoking in general, and take away our freedom to make our own minds on the matter. It is not the place of Government to legislate personal health choices or morality.

Respectfully,

Justin L Corsetti



<BethPreiss@aol.com>

06/17/2007 09:33 AM

Please respond to
<BethPreiss@aol.com>

To <alexvamayor@aol.com>, <timothylovain@aol.com>,
<councilmangaines@aol.com>, <council@krupicka.com>,
<delperpe@aol.com>, <paulcsmedberg@aol.com>,

cc

bcc

Subject COA Contact Us: Thanks for the Smoking Ban!

Time: [Sun Jun 17, 2007 09:33:05] IP Address: [75.198.82.154]

Response requested: []

First Name: Beth

Last Name: Preiss

Street Address: 1155 23 St, NW

City: Washington

State: DC

Zip: 20037

Phone: 202-331-5335

Email Address: BethPreiss@aol.com

Subject: Thanks for the Smoking Ban!

Hello,

I just read the article in the Washington Post and wanted to say thanks for your efforts to ban smoking in Alexandria restaurants!

Comments: As a DC resident, I am frequently in Virginia such as last night when I went to a smoke free coffee house in Alexandria. I look forward to also being able to enjoy the restaurants when they go smoke free!

Best regards,
Beth Preiss



Barbara Carter/Alex
06/18/2007 09:47 AM

To alexvamayor@aol.com, timothylovain@aol.com,
council@krupicka.com, councilmangaines@aol.com,
delpepper@aol.com, paulcsmedberg@aol.com
cc Jackie Henderson/Alex@Alex, joanne.pyle@alexandriava.us,
krupickaaide@comcast.net, nanella@aol.com, Harlene
Clayton/Alex@Alex, hubler@erols.com

bcc

Subject Fw: Smoking Ban

Barbara L. Carter
Department of Planning and Zoning
301 King Street, Suite 2100
Alexandria, VA 22314
703.838.3866 ext. 306

----- Forwarded by Barbara Carter/Alex on 06/18/2007 09:38 AM -----



Lillian Foster
<fosterlillian@hotmail.com>
06/17/2007 11:18 PM

To <pnzfeedback@alexandriava.gov>

cc

Subject Smoking Ban

If the Alexandria City Council is truly concerned about the health of the citizens of Alexandria, they wouldn't stop at a smoking ban in restaurants – they would extend the ban to include alcohol.

There has **never** been an auto accident attributed to smoking while driving – yet several deaths in the past week have been contributed to alcohol. Where's the outcry about banning alcohol? There's no ticket given for "Driving While Smoking" -- how many DUI's are handed out monthly?

Let's call this what is truly is – the council believes that they know what is best for my life and is trying to enforce it any way they want. I want the ability to eat where I want and **SMOKE** or drink if I want to. I'm an adult, I don't need a nanny or mommy or daddy to make my choices for me.

Just as I choose what restaurant I go to based on the style of food, I also choose as to whether I want to go to a smoking or non-smoking restaurant. There are plenty of non-smoking restaurants in Alexandria – don't take away my right to **CHOOSE**.

Sincerely,

Lillian Foster

8

6-16-07



<goodellp@yahoo.com>

06/18/2007 02:27 PM

Please respond to
<goodellp@yahoo.com>

To <alexvamayor@aol.com>, <timothylovain@aol.com>,
<councilmangaines@aol.com>, <council@krupicka.com>,
<delpepper@aol.com>, <paulcsmedberg@aol.com>,
cc

bcc

Subject COA Contact Us: Dining in Alexandria

Time: [Mon Jun 18, 2007 14:27:28] IP Address: [65.84.246.34]

Response requested: []

First Name: Pamela
Last Name: Goodell
Street Address: 220 Century Place, #3309
City: Alexandria
State: VA
Zip: 22304
Phone: 703-347-1835
Email Address: goodellp@yahoo.com
Subject: Dining in Alexandria
Good afternoon -

I had intended to be present at the discussion regarding the smoking ban for Alexandria but my travel schedule did not allow it. I was able to watch a lot of it on TV, though, and it was very interesting.

As I heard many of you say, it's not an easy decision. I do believe in a business owner's ability to make decisions in the best interest of his/her organization without a lot of undue influence or regulation. That being said, smoking is a public health hazard. One glass of beer or wine or one mixed drink does not carry, in general, the same hazards that one cigarette does to either that individual or the people around that individual.

Comments: I believe the one reason that the City of Alexandria must act is that I do not believe the Commonwealth of Virginia will. Our state is different from Maryland and different that of DC. I do not believe there is support in Richmond for any smoking ban legislation to be ever enacted without significant lobbying. Having individual cities rule in favor of a smoking ban is one way to push the issue. Hopefully, in the next legislative session, there will be more momentum and greater

understanding of the public hazards of smoking.

One suggestion is that the Alexandria Convention and Visitor's Bureau highlight which restaurants are smoke-free or have partitioned smoking rooms (such as Landini Brothers). The listing of restaurants on the City's Tourist Information page (<http://alexandriava.gov/link/redirector.aspx?www.funside.com/>) has symbols designating restaurants that offer pet friendly atmospheres, outdoor dining, and private dining. I think adding "smoke free/partial smoke free" symbols is a natural extension.

Thank you for your time.

1st suggestion:
Why can't this be
put to the voters in
Alexandria & ~~A NOTE~~

8
6-16-07

~~or~~ and let the citizenry
decide by a referendum?

Shelia Peak

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Carolyn Prorise
Cape Charles

First Vice-Chairman
Barbara Blankenship
Richmond

Second Vice-Chairman
Stephen W. Shield, MD
Williamsburg

Third Vice-Chairman
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9221 Forest Hill Avenue
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Founded in 1909, the American Lung Association of Virginia is dedicated to the prevention of lung disease and the promotion of lung health. ALAV serves the citizens of Virginia and accomplishes its mission through program services, public education, research and the mobilization of resources.

8
6-16-07



City of Alexandria Public Comments Re: Proposed Smoke Free Restaurant Policy June 16, 2007

In addition to the approximately 9000 Virginia smokers who die every year from their own smoking, another 1000 non-smoking Virginians die from the effects of secondhand smoke. In essence, for every eight smokers that die from smoking related illness, they take one non-smoker with them. It is for these reasons that, to date, more than twenty other states and literally hundreds of localities across the country have adopted policies protecting the public from secondhand smoke.

This is a public health issue. Secondhand smoke contains at least 250 chemicals known to be toxic, including more than 50 that can cause cancer.

While the public may choose not to patronize smoking establishments, many employees do not have that ability to choose where they work. There are simply not enough non-smoking workplaces in Virginia to provide jobs for all workers who want to work in a smoke-free environment.

- There is no longer any scientific debate that secondhand smoke causes serious diseases, including lung cancer, heart disease and other respiratory illnesses, such as bronchitis and asthma.
- 84% of Virginians believe that secondhand smoke is a serious or moderate health hazard.
- The California Environmental Protection Agency has estimated that exposure to secondhand smoke triggers 202,300 asthma attacks in children who have asthma and;
- Nonsmokers exposed to secondhand smoke at home or work increase their risk of developing heart disease by 25 to 30 percent and lung cancer by 20 to 30 percent.
- 1 in 5 hospitality workers is a teenager and restaurant workers are exposed to twice the amount of secondhand smoke compared to office workers.
- The Surgeon General's report concludes that the only way to protect nonsmokers from the dangerous chemicals in secondhand smoke is to eliminate smoking indoors.

It is absolutely unacceptable for any worker to be exposed to the dangers of secondhand smoke as a condition of employment.

It has been proven that ventilation is not effective in removing secondhand smoke from indoor areas. The American Lung Association does not support any policies which allow for ventilation systems as a means of attempting to protect non-smokers from secondhand smoke exposure. Smoke-free policies work best when all restaurants are subject to the same policy, therefore allowing them to operate on a level playing field.

In closing, the Lung Association does not support the purposed language which would allow for a 5 year extension for restaurants that have installed ventilation systems. Public health policy should not allow for exemptions, nor should it apply to some and not all. Smoke free policies must be written to protect all workers.

Thank you for the opportunity to comment on this very important public health issue.

**City of Alexandria
Public Comments
Proposed Smoke Free Restaurant Policy**

The American Heart Association applauds the City of Alexandria for working to protect the health of the residents by enacting a smoke-free restaurant ordinance. While we encourage you to pass this ordinance, we hope you will do so without two of the proposed revisions.

In June 2006, the U.S. Surgeon General released a report on the science behind secondhand smoke. In a statement accompanying the report, Surgeon General Carmona said, "The debate is over. The science is clear: Secondhand smoke is not a mere annoyance, but a serious health hazard that causes premature death and disease in children and nonsmoking adults."

In light of the definitive evidence presented in the Surgeon General's report, it is our duty to protect the health of all restaurant workers by enacting a smoke free indoor air law.

Consider these facts:

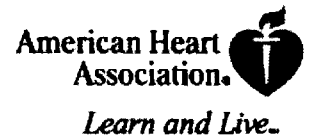
- More than twenty states, Washington, DC and Puerto Rico have passed smoke-free laws that include restaurants and bars.
- Hundreds of cities and entire countries have also taken action.
- Smoke free laws are effective:
 - A 2004 study found that hospital admissions in Helena, Montana for heart attacks dropped 40% in the six months after the smoke free law went into effect.
 - A similar study showed that heart attack rates in Pueblo, Colorado decreased by nearly 30 percent after implementation of the city's smoke-free ordinance.
 - Similarly, before New York bars and restaurants went smoke free, 59 percent of hospitality workers reported experiencing respiratory symptoms. After the law took effect, the number of workers experiencing morning cough dropped by 46 percent.

It's been over 16 years since Virginia has acted to protect workers from secondhand smoke. The time has come to protect all restaurant workers' right to breathe smoke-free air.

While the American Heart Association supports your efforts, there are aspects of the revised ordinance that we find problematic. We cannot support any policies which allow for ventilation systems as a means of attempting to protect non-smokers from secondhand smoke exposure. In addition, we urge you to reconsider including a reenactment clause.

The American Heart Association cannot support the proposed language which would allow for a five year extension for restaurants that have installed ventilation systems. Public health policy should not allow for exemptions, nor should it apply to some and not all. Smoke free policies must be written to protect all workers.

Heart Disease and Stroke. You're the Cure.



**American Stroke
Association.**

A Division of American
Heart Association

Separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot eliminate exposures of nonsmokers to secondhand smoke. Conventional air cleaning systems cannot remove the poisons, toxins, gases, and particles found in secondhand smoke. In fact, routine operation of a heating, ventilating, and air conditioning system can distribute secondhand smoke throughout a building. Even the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), the preeminent U.S. body on ventilation issues, has concluded that ventilation technology cannot be relied on to control health risks from secondhand smoke exposure.

Allowing certain restaurants to allow smoking if they have ventilation system is simply bad public health policy. If you think about it, it is similar to saying that all restaurants with blue walls are exempted temporarily. Workers and patrons in the HVAC-exempted restaurants will still be exposed to the negative health effects of secondhand smoke. Even worse - there may be an illusion that these systems are helping.

We also have some concerns about the reenactment clause that has been added to the ordinance. The effective date, coupled with the additional three-month and five-year periods mentioned in the ordinance, will make enforcement difficult because patrons and enforcement officials might not readily know which businesses are exempt at a certain point of time.

Let's not let another year pass without protecting your community from the dangers of secondhand smoke. I encourage you to pass this ordinance WITHOUT the proposed revisions.

Cathleen Smith Grzesiek
Director of Public Advocacy



COUNCIL OF THE DISTRICT OF COLUMBIA
THE JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, NW
WASHINGTON, DC 20004

VINCENT C. GRAY
CHAIRMAN

June 15, 2007

The Honorable William D. Euille
The Honorable Members of the Alexandria City Council
301 King Street
Alexandria, Virginia 22314

Dear Mayor Euille and Members of the Alexandria City Council:

Congratulations on the efforts of the City of Alexandria to pass the Smoke-Free Restaurant Act. I hope you will support this measure. As lawmakers, it is our responsibility to protect the health of our constituents, workers, consumers and visitors from the harm of second-hand smoke. Enacting smoke-free restaurant legislation is certainly one way to do so.

As you may know, I was a strong supporter of legislation that banned smoking in District of Columbia workplaces. From the beginning, I viewed prohibiting smoking in restaurants and bars as a **public health issue**. Our city has the highest cancer rates among several cancers; many can be attributed to tobacco smoke.

With the passage of the law allowing the Department of Health to conduct inspections of all places of employment and enclosed public places to ensure the absence of smoking, the District of Columbia joined the growing number of jurisdictions that are protecting residents and workers from harmful second-hand tobacco smoke.

I strongly urge you to pass legislation that will make Alexandria the next city to protect everyone's right to breathe smoke-free air at work, including employees of restaurants and bars.

Sincerely,

A handwritten signature in black ink that reads "Vincent C. Gray".

Vincent C. Gray

Chairman, Council of the District of Columbia





COUNCIL OF THE DISTRICT OF COLUMBIA
1350 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004

Phil Mendelson
Councilmember At-Large

Office: (202) 724-8064
Fax: (202) 724-8099

June 15, 2007

The Honorable William D. Euille
The Honorable Members of the Alexandria City Council
301 King Street
Alexandria, Virginia 22314

Dear Mayor Euille and Members of the Alexandria City Council:

Your leadership in Alexandria to advance indoor smokefree legislation to protect your citizens, workers, and tourist will provide long-term health benefits. I was a principle sponsor of the District's smoking ban legislation as early as 2003, when the bill was introduced by my colleague, now Mayor Fenty, and by Councilmember Kathy Patterson. I have viewed prohibiting smoking in restaurants and bars as a public health issue. I strongly believe it is important for cities to protect all employees.

Numerous studies have shown that smokefree laws do not harm business. In fact, a number of studies suggest that since most people are nonsmokers, business may actually improve since people will go out more often when they do not have to compromise their health from exposure to secondhand smoke. Indeed, I have seen no evidence of hardship in the District as a result of our ban. The Centers for Disease Control and Prevention informed the public in April of 2004 that as little as 30 minutes of exposure to secondhand smoke could cause a heart attack for those who already have heart disease or are at risk of heart disease. The California Air Resources Board voted to classify secondhand smoke as a toxic air contaminant, the first ever designation by a state environmental agency.

By advancing this smokefree legislative measure into law you will send a definitive message that Alexandria values the health of their residents, workers and tourist first. I hope you will join the District and other jurisdictions.

Sincerely,

A handwritten signature in black ink, appearing to read "Phil Mendelson", written over a white background.

Phil Mendelson
Councilmember At Large

PM/brw

Robert T. Keelin
3817 Jay Ave.
Alexandria, VA 22302

8

6-16-07

I am in favor of the proposed Ordinance banning smoking in restaurants and bars.

Tobacco products, when used as intended, cause disease and death. Even the tobacco industry, after decades of outrageous deceit and denial, has finally acknowledged this fact.

Last year, the Surgeon General of the United States conclusively determined that second-hand tobacco smoke is hazardous to humans and that there is no safe level of exposure to it.

The arguments against smoking bans are misleading, self-serving and without merit. We're told that bans are an infringement on the "rights" of business owners. Let me make it very clear: no one, and that includes business owners, has the right to harm the health of another human being by purposely exposing them to toxic substances.

We're told that smoking bans will wreak economic havoc on the restaurant and bar business. This is simply not true. Successful bans in neighboring jurisdictions, more than a dozen states, and in hundreds of cities and counties throughout the country have proved it. New York City is an excellent example -- and, if a smoking ban can make it there, it can make it anywhere!

We're told that consumers who don't like restaurants and bars where smoking is allowed don't have to patronize them -- that they can simply go down the street to a place where it is not allowed. This is true. Unfortunately, the people who work in such establishments usually don't have that option. They work as bartenders and busboys; waiters and waitresses; hostesses and cooks because these are the only jobs for which they are qualified. They have no choice but to breathe second-hand tobacco smoke for 40 or more hours every week. I ask: should such hard-working people have to put themselves at risk of contracting smoking-related health problems in order to earn a paycheck? The answer is "No!"

To compound matters, many in the restaurant business lack adequate health insurance. And when they suffer health problems from breathing second-hand smoke they are often unable to afford proper medical treatment.

This city has an obligation to protect the health of its citizens, its workers, and its visitors. An effective smoking ban will contribute considerably to fulfilling that obligation.

I urge the Council to pass the Ordinance immediately with an effective date 90 days from the date of passage.



14160 Newbrook Drive | Suite 200 | Chantilly, Virginia 20151 | 703.817.0154 | 703.817.0380 Fax

8
6-16-07

June 14, 2007

Honorable William D. Euille, Mayor and
Members of City Council
City of Alexandria
City Hall, Room 2300
301 King Street
Alexandria, Virginia 22314

Re: Docket Item #8, Proposed Smoke-Free Restaurant Act

Dear Mayor Euille and Members of Council:

I write to you today on behalf of the Urban Chapter (Alexandria and Arlington) of the Northern Virginia Building Industry Association (NVBIA) to express our concern regarding the proposed Smoke-Free Restaurant Act.

The Northern Virginia Building Industry Association is a 501(c)6 not-for-profit organization. NVBIA advocates and fosters an economic and political climate within which its members are able to provide a full range of development and housing opportunities. Our members rely on the land use process in the local jurisdictions in order to provide quality development that makes the community vibrant and economically stable. Our membership is concerned about this proposed text amendment for two reasons, including the increased burden a requirement such as this places on the land use process and the disadvantage this additional restriction will place on Alexandria's businesses.

First, the purpose of the Special Use Permit ("SUP") is to regulate the impact of a use to the surrounding community. Over the years, the process has become burdensome, unpredictable and overly restrictive. Even in this atmosphere, however, businesses doing business in Alexandria should be able to rely on the general purpose for the land use process as well as the legal restrictions placed on the locality by the Dillon Rule requiring that localities act only if the General Assembly has expressly granted the authority to act, to provide a framework within which they can expect to be regulated. However, the proposed text amendment pushes even those outer limits and uses the land use process for a purpose that is not anticipated. We urge you to look at text amendments that will improve the SUP process rather than further burden the process.

Second, we have members who provide development in the City on a regular basis and are continually encouraged by the City Council, Planning Commission, and City Staff to provide vibrant projects that will bring a mixture of uses including retail and restaurants to the City. The Special Use Permit ("SUP") process required for restaurants in the City already places a burden on restaurants doing business in Alexandria that is not required in adjacent jurisdictions such as

Arlington and Fairfax. Adding an additional restriction that is not required of restaurants in adjacent jurisdictions puts Alexandria's restaurants at even more of a disadvantage. This proposed regulation runs counter to the City policy of encouraging full service restaurants in mixed use districts in the City. Our members are concerned that the vibrant, mixed use developments that the City is looking for will not be possible in this kind of regulatory environment.

The Urban Chapter's concern with this new regulation is not about the goal of achieving non smoking restaurants in Alexandria which is a laudable goal that can be achieved through the use of incentive programs or initiatives such as "Proud to be Smoke Free." The concern is that Alexandria's attempt to be innovative places the burden on the local businesses and creates a difficult atmosphere in which to do business for exactly the type of uses the City desires to attract. These new regulations will be costly to the City, either through litigation costs, or lost business due to the competition with businesses in other jurisdictions.

We urge you to support the local businesses in Alexandria and deny the proposed Smoke-Free Restaurant Act.

Sincerely,



Timothy Hughes
President, Urban Chapter, NVBIA



MMWR

Morbidity and Mortality Weekly Report

Weekly

May 25, 2007 / Vol. 56 / No. 20

World No Tobacco Day — May 31, 2007

World No Tobacco Day is sponsored annually by the World Health Organization to call attention to the global health burden resulting from tobacco use. This year's observance focuses on secondhand smoke and highlights the progress that has been achieved around the world in protecting nonsmokers by making workplaces and public spaces smoke-free.

In June 2006, the Surgeon General's report on *The Health Consequences of Involuntary Exposure to Tobacco Smoke* was released. This report concluded that secondhand smoke causes premature death and disease in children and nonsmoking adults. In addition, the report determined that no risk-free level of exposure to secondhand smoke exists and that only eliminating smoking in indoor spaces fully protects nonsmokers. The report determined that other approaches, including separating smokers from nonsmokers and ventilating buildings, are not effective.

The 2006 report has been followed by the enactment of smoke-free laws in multiple states and local jurisdictions. The report also has contributed to adoption of voluntary smoke-free policies by employers and businesses, including major hotel chains (1). Additional information regarding the 2006 Surgeon General's report, including a consumer summary and a video, is available at http://www.cdc.gov/tobacco/data_statistics/sgr/sgr_2006/index.htm.

Reference

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Exposure to Secondhand Smoke Among Students Aged 13–15 Years — Worldwide, 2000–2007

Breathing secondhand smoke (SHS) causes heart disease and lung cancer in adults and increased risks for sudden infant death syndrome, acute respiratory infections, middle-ear disease, worsened asthma, respiratory symptoms, and slowed lung growth in children (1–3). No risk-free level of exposure to SHS exists (1). The Global Youth Tobacco Survey (GYTS), initiated in 1999 by the World Health Organization (WHO), the Canadian Public Health Association, and CDC includes questions related to tobacco use, including exposure to SHS (4).^{*} This report examines data collected from 137 jurisdictions (i.e., countries and territories) during 2000–2007,[†] presents estimates of exposure to SHS at home and in places other than the home among students aged 13–15 years who had never smoked, and examines the association between exposure to SHS and susceptibility to initiating smoking.[§] GYTS

^{*} Additional information available at <http://www.cdc.gov/tobacco/global/surveys.htm>.

[†] The number of jurisdictions varied by year. Some jurisdictions conducted repeat surveys; for those jurisdictions, the most recent data were used. Following are the number of jurisdictions from which data were collected, by year: 2000, six; 2001, nine; 2002, 21; 2003, 36; 2004, 25; 2005, 19; 2006, 15; and 2007, six.

[§] The Teenage Attitudes and Practices Survey, a follow-up study to the National Health Interview Survey, was conducted in 1989 and 1993 and determined that youths defined as susceptible to initiating smoking were two to three times more likely to initiate smoking than nonsusceptible youths. To be classified as nonsusceptible to smoking, a respondent had to answer "no" to the question, "Do you think that you will try a cigarette soon?" and "definitely not" to the questions, "If one of your best friends were to offer you a cigarette, would you smoke it?" and "Do you think you will be smoking cigarettes 1 year from now?" (5).

INSIDE

- 501 State-Specific Prevalence of Smoke-Free Home Rules — United States, 1992–2003
- 504 Outpatient Rehabilitation Among Stroke Survivors — 21 States and the District of Columbia, 2005
- 507 QuickStats

State-Specific Prevalence of Smoke-Free Home Rules — United States, 1992–2003

Secondhand smoke (SHS) causes premature death and disease in children and nonsmoking adults (1). The home is the primary source of exposure to SHS for infants and children and a major source of SHS exposure for nonsmoking adults (1). To assess trends in national and state-specific prevalence of home “no smoking” rules (i.e., smoke-free home rules), CDC analyzed data from the Tobacco Use Supplement to the Current Population Survey for 1992–1993, 1998–1999, and 2003. This report summarizes the results of that analysis, which indicated that the national prevalence of households with smoke-free home rules in the United States increased significantly, from 43.2% during 1992–1993 to 72.2% in 2003. During this period, the national prevalence of such rules increased from 9.6% to 31.8% among households with at least one smoker and from 56.8% to 83.5% among households with no smoker. A regression analysis of the rate of change over time indicated that the increase in smoke-free homes during this period was not significantly different for households with at least one smoker compared with households with no smoker. Statistically significant increases in the prevalence of smoke-free home rules were also observed in all states, although variation was observed among states. Comprehensive tobacco-control measures, including 1) evidence-based interventions to help smokers quit, 2) policies making workplaces and public places smoke-free, 3) voluntary rules making homes smoke-free, and 4) initiatives to educate the public regarding the health effects of SHS, are needed to further reduce exposure of nonsmokers to SHS.

The Current Population Survey (CPS) is a continuous monthly household survey administered by the U.S. Census Bureau for the Bureau of Labor Statistics that examines labor-force indicators for the U.S. civilian, noninstitutionalized population aged ≥ 15 years (2). Since 1992–1993, the National Cancer Institute has sponsored a Tobacco Use Supplement (TUS) to this survey with questions on tobacco use and related topics, including voluntary home smoking rules. CDC has cosponsored the supplement since 2001. The TUS-CPS was conducted in selected months during 1992–1993, 1995–1996, 1998–1999, 2000, 2001–2002, and 2003. Approximately 75% of respondents were contacted by telephone, and 25% of respondents were contacted by personal home visit. The supplement self-response rates for the TUS-CPS ranged from 65% in 2003 to 72% during 1992–1993 (2).^{*} Data

were adjusted for nonresponse and weighted using the household supplement self-response weight. This weight was calculated by summing the self-response weights for all respondents aged ≥ 15 years and dividing by the rostered number of persons aged ≥ 15 years to provide national and state prevalences of smoke-free home rules.

Each household member aged ≥ 15 years was asked, “Which statement best describes the rules about smoking inside your home?” The response options were 1) “No one is allowed to smoke anywhere inside your home,” 2) “Smoking is allowed in some places or at some times inside your home,” or 3) “Smoking is permitted anywhere inside your home.” Excluded from the analysis were households with discrepancies in household members’ responses (e.g., when one respondent reported a smoke-free home rule and another respondent from the same household reported that smoking is allowed inside the home).

From 1992–1993 to 2003, increases occurred nationally and in every state in the percentage of households with complete smoke-free home rules (i.e., no one is allowed to smoke anywhere inside the home) (Table). During 1992–1993, the percentage of households with smoke-free home rules ranged from 25.7% in Kentucky to 69.6% in Utah. In 2003, the percentage ranged from 53.4% in Kentucky to 88.8% in Utah. The state with the smallest increase during this period was Utah, which had the highest prevalence of smoke-free home rules during 1992–1993. Kentucky, the state with the lowest prevalence of smoke-free home rules during 1992–1993, had the largest increase during this period.

Reported by: A Troscclair, MS, S Babb, MPH, R Murphy-Hoefer, PhD, K Asman, MSPH, C Husten, MD, A Malarcher, PhD, Office on Smoking and Health, National Center for Chronic Disease Prevention and Health Promotion, CDC.

Editorial Note: Revised *Healthy People 2010* objectives call for reducing the proportion of children aged ≤ 6 years who are exposed regularly (≥ 4 days per week) to SHS in the home to 6% (objective 27-9) and reducing to 63% the proportion of nonsmokers aged ≥ 4 years who are exposed to SHS, as measured by having detectable levels of cotinine (a metabolite of nicotine used as a biologic marker for SHS exposure in nonsmokers) in their blood (objective 27-10) (3). The second objective has already been met: approximately 47% of U.S. nonsmokers were exposed to SHS during 1999–2002; in addition, the prevalence of regular exposure of children aged ≤ 6 years to SHS in the home has declined, from 27% in 1994 to 8% in 2005. The progress made toward realizing these objectives reflects recent decreases in SHS exposure in workplaces, public places, homes, and other settings.

The recently published Surgeon General’s report *The Health Consequences of Involuntary Exposure to Tobacco Smoke* notes

^{*} Additional information available at <http://riskfactor.cancer.gov/studies/tus-cps/info.html>.

TABLE. Percentage of households reporting smoke-free home rules, by state/area — Current Population Survey, United States, 1992–1993, 1998–1999, and 2003*

State/Area	1992–1993 (N = 132,899)		1998–1999 (N = 117,895)		2003 (N = 127,332)		% change from 1992–1993 to 2003
	%	(95% CI) [†]	%	(95% CI)	%	(95% CI)	
Alabama	38.9	(34.2–43.7)	59.1	(55.5–62.8)	70.9	(67.7–74.1)	82.1
Alaska	50.9	(46.6–55.3)	60.9	(57.0–64.8)	75.8	(73.0–78.6)	48.8
Arizona	54.4	(50.9–57.9)	71.6	(68.8–74.4)	82.4	(80.1–84.7)	51.5
Arkansas	33.2	(30.1–36.3)	53.0	(50.2–55.8)	60.1	(55.6–64.6)	81.0
California	59.1	(57.4–60.8)	72.7	(71.5–73.9)	84.4	(83.4–85.4)	42.9
Colorado	48.3	(45.3–51.2)	65.2	(61.7–68.7)	79.3	(77.3–81.3)	64.3
Connecticut	44.7	(42.0–47.4)	60.1	(54.8–65.3)	73.4	(71.1–75.7)	64.2
Delaware	40.1	(37.0–43.3)	55.4	(51.6–59.2)	69.7	(66.8–72.6)	73.7
District of Columbia	41.4	(37.4–45.3)	56.6	(53.1–60.2)	68.1	(65.3–70.9)	64.7
Florida	50.2	(48.3–52.1)	66.0	(64.1–67.8)	78.5	(77.1–79.9)	56.4
Georgia	41.8	(38.7–44.8)	61.9	(59.3–64.5)	77.4	(73.9–80.9)	85.4
Hawaii	51.5	(47.1–55.8)	65.0	(61.1–68.9)	79.7	(76.6–82.8)	54.9
Idaho	50.6	(45.6–55.6)	70.3	(66.6–74.1)	78.8	(76.5–81.1)	55.9
Illinois	38.6	(35.4–41.7)	54.6	(52.9–56.2)	64.8	(63.0–66.6)	68.0
Indiana	33.9	(30.7–37.1)	47.9	(44.8–50.9)	62.7	(58.7–66.7)	85.2
Iowa	36.1	(33.2–39.0)	52.9	(48.4–57.4)	68.0	(64.4–71.6)	88.6
Kansas	39.9	(36.0–43.7)	59.3	(55.8–62.9)	66.9	(63.8–70.0)	67.8
Kentucky	25.7	(21.5–29.9)	38.9	(35.0–42.8)	53.4	(48.5–58.3)	107.9
Louisiana	37.3	(33.8–40.8)	58.2	(53.0–63.5)	68.6	(65.1–72.1)	83.9
Maine	39.4	(34.6–44.2)	54.4	(51.3–57.5)	69.0	(66.9–71.1)	75.1
Maryland	43.0	(39.7–46.3)	64.3	(61.7–67.0)	75.9	(73.1–78.7)	76.6
Massachusetts	40.3	(38.1–42.4)	60.1	(57.7–62.4)	75.5	(73.4–77.6)	87.6
Michigan	35.4	(33.5–37.2)	51.2	(48.7–53.6)	60.7	(58.7–62.7)	71.7
Minnesota	39.7	(37.8–41.6)	61.5	(58.7–64.3)	71.5	(69.0–74.0)	80.1
Mississippi	41.2	(37.3–45.0)	54.9	(51.2–58.7)	69.6	(66.1–73.1)	69.1
Missouri	34.5	(30.4–38.6)	53.7	(50.3–57.2)	64.0	(60.8–67.2)	85.7
Montana	43.1	(39.2–47.0)	61.0	(57.3–64.7)	70.0	(66.7–73.3)	62.5
Nebraska	39.9	(36.2–43.6)	59.5	(57.3–61.8)	69.2	(65.9–72.5)	73.3
Nevada	45.5	(42.4–48.7)	63.7	(61.0–66.3)	79.6	(77.2–82.0)	74.9
New Hampshire	38.4	(34.7–42.1)	56.5	(52.2–60.9)	74.6	(72.0–77.2)	94.4
New Jersey	45.5	(43.1–47.9)	61.3	(59.4–63.2)	74.0	(72.0–76.0)	62.5
New Mexico	45.6	(41.0–50.1)	62.7	(59.9–65.5)	75.5	(73.3–77.7)	65.8
New York	41.6	(39.8–43.4)	58.3	(56.7–59.8)	70.5	(68.9–72.1)	69.5
North Carolina	34.3	(32.6–36.1)	53.0	(51.0–54.9)	65.4	(63.0–67.8)	90.8
North Dakota	41.2	(37.0–45.3)	56.4	(51.8–61.0)	68.2	(64.5–71.9)	65.7
Ohio	35.1	(33.6–36.6)	51.4	(49.5–53.3)	60.8	(58.4–63.2)	73.2
Oklahoma	39.2	(34.9–43.5)	54.1	(50.8–57.3)	64.7	(61.3–68.1)	64.9
Oregon	50.0	(45.9–54.1)	68.0	(64.5–71.6)	81.2	(78.3–84.1)	62.4
Pennsylvania	39.9	(38.2–41.7)	56.3	(54.7–57.9)	67.5	(65.5–69.5)	69.0
Rhode Island	38.9	(33.8–43.9)	60.4	(57.8–63.0)	69.8	(67.2–72.4)	79.6
South Carolina	40.2	(37.5–42.9)	58.6	(56.1–61.2)	67.5	(64.2–70.8)	67.9
South Dakota	36.8	(34.3–39.3)	57.1	(52.5–61.8)	71.1	(68.1–74.1)	93.2
Tennessee	34.1	(30.6–37.6)	52.0	(48.9–55.1)	64.2	(60.0–68.4)	88.3
Texas	46.3	(43.4–49.2)	65.3	(63.6–67.0)	78.5	(76.9–80.1)	69.5
Utah	69.6	(65.8–73.4)	81.1	(77.2–85.1)	88.8	(86.1–91.5)	27.6
Vermont	39.1	(35.2–42.9)	59.7	(56.4–62.9)	69.3	(66.8–71.8)	77.5
Virginia	39.3	(36.1–42.4)	58.4	(54.6–62.1)	72.7	(70.1–75.3)	85.1
Washington	54.3	(50.5–58.0)	68.9	(66.1–71.8)	79.3	(76.4–82.2)	46.2
West Virginia	27.8	(23.7–31.9)	42.8	(39.1–46.5)	57.1	(53.4–60.8)	105.5
Wisconsin	36.7	(33.5–39.8)	55.4	(51.9–58.9)	66.4	(63.6–69.2)	81.1
Wyoming	38.6	(34.5–42.7)	58.0	(54.8–61.1)	65.5	(61.9–69.1)	69.8
Minimum	25.7	—	38.9	—	53.4	—	27.6
Maximum	69.6	—	81.1	—	88.8	—	107.9
Range	43.9	—	42.3	—	35.4	—	80.2
Median	39.9	—	58.6	—	69.8	—	71.7
Total	43.2	(42.3–44.1)	60.2	(59.8–60.6)	72.2	(71.8–72.6)	67.1

* Based on the Tobacco Use Supplement to the Current Population Survey (1992–1993, 1998–1999, and 2003). Additional information available at <http://www.census.gov/prod/2002pubs/tp63rv.pdf>. Responses from all household members aged ≥ 15 years were examined to estimate the percentage of homes with smoke-free rules (i.e., all respondents in the household reported that no one is allowed to smoke anywhere inside the home). Excluded from the analysis were households with discrepancies in household members' responses (e.g., when one respondent reported a smoke-free home rule and another respondent from the same household reported that smoking is allowed inside the home).

[†] Confidence interval.

that SHS exposure declined during the past decade as a result of the implementation of smoke-free policies in workplaces and public places (1). However, approximately 126 million children and nonsmoking adults were still exposed to SHS in the United States as of 1999–2002. Because children spend so much time in the home, it remains the primary setting where they are exposed to SHS (1). Adults also spend much of their time in the home, and the home is a major source of exposure for nonsmoking adults. Substantial sociodemographic disparities exist with regard to SHS exposure in the home. For example, evidence suggests that blacks and persons with low incomes are more likely to be exposed to SHS in the home than other groups (1).

The Surgeon General's report states that complete elimination of smoking in indoor spaces is the only measure that fully protects nonsmokers from SHS exposure; other approaches, such as separation of smokers from nonsmokers and ventilation, are not effective (1). Making homes completely smoke-free substantially reduces SHS exposure among nonsmoking residents; the evidence also suggests that smoke-free home rules help smokers quit and reduce smoking initiation among youth (1,4).

The increase in smoke-free homes described in this report might have been driven by two factors: 1) an underlying decrease in smoking rates among adults and youths, and 2) changes in knowledge and attitudes regarding the adverse health effects of SHS (1). Because smoke-free home rules are voluntary, they are important indicators of changes in public awareness of the health effects of SHS and in public attitudes regarding the social acceptability of smoking. They also reflect personal concerns about protecting family members (1). In particular, the large increase in smoke-free home rules that has occurred in households with smokers during the past 10 years suggests a considerable shift in social norms.

Findings from a recent international prospective study suggest that the presence of smoke-free policies in public places is associated with increased voluntary adoption of smoke-free home rules (5). Other factors, including the absence of smokers and the presence of children and nonsmoking adults in a household, also are consistent predictors of smoke-free home rules (1,5).

The public health community promotes smoke-free homes by educating smokers about the dangers SHS exposure poses to the health of their families (1). The U.S. Environmental Protection Agency carries out a national educational program that encourages parents to make their homes smoke-free to protect their children's health (6). Educational campaigns also can raise public awareness about the health risks that SHS exposure in the home poses to nonsmoking adults. Further

research, including evaluation of ongoing initiatives, is needed to determine which approaches are most effective in promoting smoke-free homes.

The findings in this report are subject to at least three limitations. First, estimates for homes with smoke-free rules are based on self-report and are not validated by an objective measure (7). However, data from a study conducted during 1998–1999 indicate that parental reporting of extent of smoke-free home rules correlated with child cotinine levels, suggesting that self-reports of home rules are accurate (8). Second, because responses from members of certain households were discrepant regarding the level of smoking restrictions, these households were excluded from the analysis. However, the percentage of households with such discrepancies was small and declined over time, from 6.6% of households during 1992–1993 to 2.3% in 2003. Finally, response rates for TUS-CPS have declined over time (from 72% during 1992–1993 to 65% in 2003). However, the national estimates of smoke-free home rules described in this report are not significantly different from estimates reported in other studies (1,5).

The single best step that persons who smoke can take to protect both the health of family members and their own health is to quit smoking. Effective smoking-cessation interventions are available, including clinical counseling, medications approved by the Food and Drug Administration, and state telephone quitlines (available by dialing 1-800-QUIT NOW) (9). In addition to advising patients to quit smoking, health-care providers can discuss the health effects of SHS exposure with patients and recommend that they adopt smoke-free home rules (1).

Comprehensive tobacco-control programs that include effective interventions to decrease smoking initiation, increase smoking cessation, and eliminate nonsmokers' exposure to SHS need to be implemented fully to accelerate progress in reducing the health burden from tobacco use and SHS exposure (10). Although SHS exposure has decreased substantially among U.S. nonsmokers during the past 10 years, the findings of this report indicate that millions of children and nonsmoking adults remain at risk for SHS exposure because their homes are not smoke-free. Continued increases in the number of smoke-free workplaces, smoke-free public places, and smoke-free homes are needed to protect nonsmokers from this widespread and preventable health hazard (1).

Acknowledgments

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Outpatient Rehabilitation Among Stroke Survivors — 21 States and the District of Columbia, 2005

Stroke is a leading cause of severe and long-term disability in the United States (1). Approximately 700,000 persons in the United States have a new or recurrent stroke each year (1); among those who survive, only 10% recover completely, and many of the remaining survivors need rehabilitation because of resulting impairments (2). Long-term disability not only affects functional status and social roles among stroke survivors but also results in substantial costs; the combined direct and indirect costs of stroke are projected to be \$62.7 billion in the United States in 2007 (1). Although studies have established that timely and intensive rehabilitation can substantially improve patients' functional outcomes and quality of life after an acute stroke (2–4), few studies have provided population-based estimates of the prevalence of acute stroke rehabilitation (5). To examine the prevalence of outpatient stroke rehabilitation among selected populations, CDC assessed data from the 2005 Behavioral Risk Factor

Surveillance System (BRFSS) survey on stroke survivors in 21 states* and the District of Columbia (DC). This report summarizes the results of that assessment, which indicated that 30.7% of the stroke survivors received outpatient rehabilitation and a higher prevalence of outpatient stroke rehabilitation was reported among men, non-Hispanic blacks, unemployed or retired adults, and persons living in the center city of a metropolitan statistical area (MSA) than in comparison groups. The findings indicated that the prevalence of stroke survivors who were receiving outpatient stroke rehabilitation services was lower than would be expected if clinical practice guideline recommendations for all stroke patients had been followed (4,6). Increasing the number of stroke survivors who receive needed outpatient rehabilitation might lead to better functional status and quality of life in this population.

Data were analyzed from the 2005 BRFSS survey, a state-based, random-digit-dialed telephone survey of the noninstitutionalized, U.S. civilian population aged ≥18 years. All participants were asked, "Has a doctor, nurse, or other health professional ever told you that you had a stroke?" If the answer was "yes," the participants were asked an additional question from the optional cardiovascular health module: "After you left the hospital following your stroke, did you go to any kind of outpatient rehabilitation? This is sometimes called 'rehab.'" Stroke or rehabilitation could have occurred at any time in the past; no date restrictions were included. Sociodemographic data collected in the survey included age, sex, race/ethnicity, marital status, education, employment status, income level, insurance coverage, and assigned MSA status. Twenty-one states and DC implemented the optional module; the median response rate, based on Council of American Survey and Research Organizations (CASRO) guidelines, was 51.3% (range: 34.6%–66.7%). CASRO response rates account for both the efficiency of the telephone sampling method and the actual participation rates among respondents. The median cooperation rate, defined as the proportion of all respondents interviewed among all eligible persons who were contacted, was 74.3% (range: 63.2%–85.3%).

Prevalence estimates and 95% confidence intervals (CIs) for a history of stroke and receipt of outpatient stroke rehabilitation among stroke survivors were calculated from aggregated data from all 21 states and DC. Prevalence estimates of outpatient stroke rehabilitation also were obtained for populations defined by age, sex, race/ethnicity, marital status, education level, employment status, income level, insurance coverage, and MSA status. Logistic regression was used to estimate the odds of receiving outpatient stroke rehabilitation

* Alabama, Arkansas, Connecticut, Georgia, Kansas, Kentucky, Louisiana, Maine, Minnesota, Mississippi, Montana, Nebraska, New Jersey, New York, North Dakota, Ohio, Oklahoma, South Carolina, Utah, Virginia, and West Virginia.

8
6-16-07

SMOKING BAN

My name is Lonnie Rich. I am a resident of Alexandria and a business owner. I am here as a Chamber member in support of their position in opposition to the proposed ban on restaurant smoking. I am also a non-smoker, having quit over 25 years ago.

Like many chamber members, I would not oppose a broad-based ban on smoking in restaurants. However, I do not support banning smoking in restaurants through the SUP.

I do not support doing indirectly what the City can't do directly for a couple of reasons: 1) The SUP should only be used to condition those activities that have a direct and substantial impact on neighboring property owners. However much smoking may affect people in the next bar chair, it doesn't affect the next door neighbor. 2) There are many good things that the City might require of restaurants – no msg in food or only low-fat dressings; no cell phones; required day-care centers for restaurant employees; required to feed a certain amount to the poor; required to give coupons for an hour at the fitness center after certain sized meals. These might all be good ends, like non-smoking is a good end, but doing this through the SUP process simply exacerbates the City's poor reputation for business; it piles on and for business people it creates additional uncertainties about what you are going to do next.

Bottom line, if you approve this, it will not be good for our business reputation and in the long run that means it will not be good for business. I urge you to resist the idea that every good idea can be done by any means.

Thank you.

8
6-16-07



Faroll Hamer/Alex
06/14/2007 08:52 PM

To <Andrew@FirstInsightLLc.com>
cc Jackie Henderson/Alex@Alex, Rose Boyd/Alex@Alex
bcc
Subject Re: COA Contact Us: Please support the smoking ban

Dear Andrew,

Thanks for your email on the proposed smoking ban. I'm taking the liberty of forwarding it to Jackie Henderson, the Clerk of the Council, so it can be included in the record for the public hearing on the legislation on Saturday morning.

It may interest you to know that the Planning Commission held a hearing in May, and they voted 4 to 2 to support the legislation to ban smoking. However, the people whose opinion matters now are the members of the City Council. I urge you to attend the hearing on Saturday morning and testify.

Yours,
Faroll

Faroll Hamer
Director, Planning and Zoning
301 King Street
City of Alexandria, VA 22314
703-838-4666
Faroll.Hamer@alexandriava.gov

<Andrew@FirstInsightLLc.com>



<Andrew@FirstInsightLLc.com>

06/13/2007 07:22 PM

Please respond to
<Andrew@FirstInsightLLc.com>

To <faroll.hamer@alexandriava.gov>
cc
Subject COA Contact Us: Please support the smoking ban



Time: [Wed Jun 13, 2007 19:22:55] IP Address: [69.140.66.116]

Response requested: []

First Name: Andrew
Last Name: Simpson

Street Address: 111 Oronoco Street
City: Alexandria
State: Virginia
Zip: 22314
Phone: 703 548 5551
Email Address: Andrew@FirstInsightLLc.com
Subject: Please support the smoking ban
Dear Faroll,

You and I have never met. I am a lawyer who has been practicing law in Alexandria for the last seventeen years. I am also a cancer survivor.

I wanted to drop you a note voicing my strong support for the proposed smoking ban in the City of Alexandria via the special permitting process. I write in the hope that you may support the ban in whatever way you can, including writing the Council or perhaps even speaking up at the public hearing regarding same this Saturday, June 16th 2007 at 9:30 a.m. I understand the Alexandria Chambers of Commerce is waging a campaign to submarine the proposition.

I urge you to be prepared for the Chamber's argument that the ban may violate the Dillon Rule. I do not believe this is so, but your office should be prepared. I would be more than happy to prepare a legal memorandum for the City to this effect pro bono if asked.

Just a few points:

Second-hand smoke is not simply an annoyance or aggravation to those who have allergies or heightened sensitivity to smoke; it is a known carcinogen that verifiably causes a certain number of deaths, cancers, and illnesses each year in adults and children who are exposed to it. If you accept the truth of that assertion --- and if you don't, please let me know so I can provide data that confirm same --- how can anyone in good conscience oppose Mayor Euille's attempt to address the threat in the continuing absence of action in Richmond? How can one fault the Alexandria Council or our mayor by acting with the only tools left available to them? Moreover, from a theoretical standpoint, how can anyone rationally adopt a position that would leave it up to businesses to OPT IN or OPT OUT of protecting their patrons from a known carcinogen? Would anyone permit a restaurant to OPT OUT of the hassles of removing lead paint dust or even

asbestos dust from its bar area? Of course not.

Comments:

You may think my analogy is a stretch, but I submit to you that it is not. When you examine the statistics --- as I have --- including the link between second-hand tobacco smoke and lung cancer (as well as other cancers such as uterine cancer in women), one can not help but conclude that second-hand smoke has caused more harm to the health of families than lead paint dust or asbestos. It should be noted at this point that tobacco use is an addiction. Many of the people lighting up are doing so in spite of the fact they know it is destroying their health and they sincerely want to quit, but they simply can't. Many of the children and friends of these smokers may not have the choice to simply not patronize an establishment or not enter it altogether. And what about the waiters and waitresses working in the smoke-filled bars (often for hours on end) who effectively do not have a choice to leave the establishment for hours because they are unable to find a job that pays ! the same anywhere else!

As to the City using the special permitting process to protect the health of its citizens, it is necessary in light of the prolonged unwillingness to act in Richmond. As long as Phillip Morris and its cronies keep making substantial contributions to some politicians that operate in its backyard, this is likely not going to change anytime soon.

The City of Alexandria recognizes all of the above realities, and they have said we are not going to wait anymore. We are not going to jeopardize the health of our citizens while we wait for Big Tobacco and the majority of lawmakers in Richmond to do the right thing. This seems particularly appropriate when the cards in Richmond are so stacked against the health of our citizens.

Mayor Euille is actively trying to put the health of all of Alexandria's citizens above simple politics as usual. He should be commended for this. I hope you will support his efforts in any way you can.

With thanks and kind regards, I am

Very truly yours,

Andrew G. Simpson, Esquire

President, First Insight, LLC

111 Oronoco Street

Alexandria, Virginia 22314

(703) 548-5551

(703) 548-5551

www.FirstInsightLLC.com

8

6-16-07



Michele Evans/Alex
05/25/2007 02:46 PM

To Jackie.Henderson@alexandriava.gov
cc
bcc
Subject Fw: Revisions to Proposed Smoke-Free Restaurant Act

----- Forwarded by Michele Evans/Alex on 05/25/2007 02:46 PM -----



"William Euille"
<wmeuille@wdeuille.com>
05/25/2007 02:44 PM

To <Ignacio.Pessoa@alexandriava.gov>, <alexvamayor@aol.com>, <delpepper@aol.com>, <ludwig@gainwithgaines.com>, <Councilmangaines@aol.com>, <rob@krupicka.com>, <smedbergpc@aol.com>, <timothylovain@aol.com>
cc <Jim.Hartmann@alexandriava.gov>, <Michele.Evans@alexandriava.gov>, <Faroll.Hamer@alexandriava.gov>, <Richard.Josephson@alexandriava.gov>, <charles.konigsberg@vdh.virginia.gov>, <Bernard.Caton@alexandriava.gov>, <Jackie.Henderson@alexandriava.gov>, <Gloria.Sitton@alexandriava.gov>
Subject RE: Revisions to Proposed Smoke-Free Restaurant Act

It is my hope that the proposed changes will assist in obtaining broader support for this proposed ban, notwithstanding the fact that many restaurants are opposed to the SUP process.
Bill

nal Message-----

From: Ignacio.Pessoa@alexandriava.gov
[mailto:Ignacio.Pessoa@alexandriava.gov]
Sent: Friday, May 25, 2007 12:27 AM
To: William Euille; alexvamayor@aol.com; delpepper@aol.com; ludwig@gainwithgaines.com; Councilmangaines@aol.com; rob@krupicka.com; smedbergpc@aol.com; timothylovain@aol.com
Cc: Jim.Hartmann@alexandriava.gov; Michele.Evans@alexandriava.gov; Faroll.Hamer@alexandriava.gov; Richard.Josephson@alexandriava.gov; charles.konigsberg@vdh.virginia.gov; Bernard.Caton@alexandriava.gov; Jackie.Henderson@alexandriava.gov; Gloria.Sitton@alexandriava.gov
Subject: Revisions to Proposed Smoke-Free Restaurant Act

As requested by the Mayor and Council on May 22, I have drafted several revisions to the proposed Smoke-Free Restaurant Act for consideration at the public hearing on June 16. The revisions are described in the attached memo.

Please let me know if you have any questions at this time.

(See attached file: Smoke-Free Act Revision Memo.pdf)

Ignacio Pessoa/Alex
05/25/2007 12:27 AM

To wmeuille@wdeuille.com, alexvamayor@aol.com,
delpepper@aol.com, ludwig@gainwithgaines.com,
Councilmangaines@aol.com, rob@krupicka.com,
cc Jim Hartmann/Alex@Alex, Michele Evans/Alex@Alex, Faroll
Hamer/Alex@ALEX, Richard Josephson/Alex@ALEX,
charles.konigsberg@vdh.virginia.gov, Bernard Caton/Alex@Alex,
bcc

Subject Revisions to Proposed Smoke-Free Restaurant Act

As requested by the Mayor and Council on May 22, I have drafted several revisions to the proposed Smoke-Free Restaurant Act for consideration at the public hearing on June 16. The revisions are described in the attached memo.

Please let me know if you have any questions at this time.



Smoke-Free Act Revision Memo.pdf

MEMORANDUM

TO: THE HONORABLE MAYOR AND
MEMBERS OF CITY COUNCIL

FROM: IGNACIO B. PESSOA *I B P*
CITY ATTORNEY

DATE: MAY 25, 2007

SUBJECT: PROPOSED REVISIONS TO SMOKE-FREE RESTAURANT ACT

Issue: Consideration of proposed revisions to the text amendment to the Zoning Ordinance to require smoke-free restaurants.

Recommendation: That City Council consider these proposed revisions at the public hearing on the text amendment on June 16, 2007.

Discussion: On May 22, 2007, City Council requested that I draft revisions to the text amendment to require smoke-free restaurants, based upon comments received during the Planning Commission's public hearing on the text amendment, conducted on May 1, 2007, and during the public informational session held by the Mayor and staff on April 4, 2007. The attached revisions include three proposed changes.

First, outdoor dining areas are excluded from the proposed regulations. Thus, a restaurant may, but is not required to, permit smoking in outdoor areas. Some comments suggested that most jurisdictions in the D.C. metropolitan area, and nationally, did not include outdoor areas within their no-smoking regulations.

Second, restaurants which have a completely separate and independent HVAC system, to service all areas of the restaurant in which smoking is permitted, exclusive of all non-smoking areas, are given an extended, five year period, before they are required to make a smoke-free election. Comments suggested that restaurants which, prior to formal public notice and discussion of the text amendment, had invested in such systems, and thus had taken extra steps to protect patrons from unwilling exposure to second-hand smoke, should have an extended period within which to become smoke-free.

Third, a "reenactment clause" is included, which provides that the ordinance to adopt the text amendment will not become effective unless it is readopted by Council during the legislative session which starts in September 2007. If readopted, the effective date for ordinance would be July 1, 2008. Most restaurants would then have three months, i.e., until October 1, 2008, to make their election. Restaurants described in the preceding paragraph would have until July 1, 2013. Several speakers urged the City to delay implementation of new regulations, and attempt either to expand the current, voluntary smoke-free restaurant initiative, or to attempt to coordinate a regional response with surrounding Virginia jurisdictions to address the hazard of second hand smoke. The reenactment clause permits Council to adopt a formal smoke-free

policy at this time, but to allow such efforts to be undertaken before any regulatory changes are finally adopted and take effect.

As a final point, data published today by the Centers for Disease Control and Prevention, shows that as of 2003 almost 75 percent of households in this country, including those in Virginia, Maryland and the District of Columbia, have established rules which ban all smoking inside the home. Ten years prior, that number was 39 percent. The logical inference is that people who enforce a smoke-free environment within their own homes will expect and require a smoke-free environment in their dining and entertainment venues. Thus, this data dramatically buttresses the economic argument which underlies the use of the City's zoning authority as contemplated by the proposed ordinance. Put simply, a jurisdiction which tolerates restaurant smoking puts itself at a competitive disadvantage as a dining, entertainment and tourism venue.

Cc: James K. Hartmann
City Manager

Michele Evans
Deputy City Manager

Faroll Hamer
Director of Planning and Zoning

Charles Konigsberg, Jr., M.D.
Health Director

Bernard Caton
Legislative Director

1
2 CITY OF ALEXANDRIA
3 PROPOSED SMOKE-FREE RESTAURANT ACT
4 REVISED MAY 25, 2007

5 [THE FOLLOWING IS ALL NEW LANGUAGE]
6 [REVISIONS ARE SHOWN WITH STRIKEOUTS AND UNDERLINING]

7
8 Section 2-100 Definitions.

- 9
10 2-190.1 Restaurant, smoke-free. A restaurant which does not permit patron or employee
11 smoking within or on the premises, including without limitation in any bar,
12 lounge, dining, patio, outdoor seating, waiting, storage or other enclosed area, or
13 area under permanent roof or cover. ~~except for exterior sidewalks and parking~~
14 ~~areas 20 feet or more from an entrance, operable window, patio or outdoor seating~~
15 ~~area.~~
16
17 2-193.1 Smoking. The act of smoking or carrying a lighted or smoldering cigar, cigarette
18 or pipe of any kind, or lighting a cigar, cigarette or pipe of any kind.
19

20 Section 7-2200 Smoke-free restaurants required.

- 21
22 7-2201. Any new restaurant for which a special use permit pursuant to Section 11-500, or
23 for which an administrative permit pursuant to Section 6-600, Section 6-700 or
24 Section 6-800, or for which a building permit pursuant to Section 4-700 of this
25 ordinance, is approved after [effective date] shall, as a condition of such permit,
26 agree to operate as a smoke-free restaurant.
27
28 7-2202 Any restaurant existing on [effective date] for which a special use permit pursuant
29 to Section 11-500, or for which an administrative permit pursuant to Section 6-
30 600, Section 6-700 or Section 6-800, or for which a building permit pursuant to
31 Section 4-700 of this ordinance, is approved, reviewed or amended after
32 [effective date] shall, as a condition of such permit, agree to operate as a smoke-
33 free restaurant, within three months after the approval, review or amendment of
34 such permit.
35
36 7-2203 Every restaurant with outdoor seating located in the public right-of-way existing
37 on [effective date] shall, as a condition of the continued right to use the public
38 right-of-way, agree to operate as a smoke-free restaurant within three months
39 after [effective date].
40
41 7-2203 Every grandfathered restaurant existing on [effective date] shall, as a condition of
42 the continued right to be classified as a grandfathered use, agree to operate as a

1 smoke-free restaurant within three months of [effective date].

2
3 7-2204 Every restaurant existing on [effective date] for which a special use permit
4 pursuant to Section 11-500, or for which an administrative permit pursuant to
5 Section 6-600, Section 6-700 or Section 6-800, or for which a building permit
6 pursuant to Section 4-700 of this ordinance, has been approved, shall agree to
7 operate as a smoke-free restaurant within three months of [effective date].
8

9 7-2205 Every restaurant which is not a smoke-free restaurant as required pursuant to
10 Section 7-2203 and Section 7-2204 shall be classified as a nonconforming use
11 subject to Section 12-214 of this ordinance.
12

13 7-2206 For purposes of this Section 7-2200, “a restaurant existing on [effective date]”
14 shall not be deemed to include a new restaurant at the same location as a
15 restaurant which operated on [effective date]. Indicia of a new restaurant shall
16 include, without limitation, a change in ownership or control, a change in name, a
17 change in Virginia Alcoholic Beverage Control Board licensee, or a change in
18 type or style of cuisine.
19

20 7-2207 The provisions of this Section 7-2200 shall preempt any contrary provisions of
21 the City Code or this ordinance.
22

23 7-2208 Notwithstanding any contrary provision of this Section 7-2200, a restaurant
24 which, on May 1, 2007 and thereafter, has in operation a completely separate and
25 independent HVAC system, to service all areas of the restaurant in which
26 smoking is permitted, exclusive of all non-smoking areas, shall comply with the
27 provisions of this Section 7-2200 within five years of [effective date].
28

29 7-2209 The provisions of this Section 7-2200 shall not become effective unless reenacted
30 by the City Council during the legislative session commencing in September
31 2007, and if so reenacted, the effective date shall be July 1, 2008.
32

8
6-16-07



<rgerdes1@hotmail.com>

03/16/2007 01:25 PM

Please respond to
<rgerdes1@hotmail.com>

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>,
<timothylovain@aol.com>, <councilmangaines@aol.com>,
<council@krupicka.com>, <delpepper@aol.com>,

cc

bcc

Subject COA Contact Us: Smokefree laws

Time: [Fri Mar 16, 2007 12:25:22] IP Address: [65.113.64.165]

Response requested: []

First Name: Robyn
Last Name: Gerdes
Street Address: 1201 N Courthouse Rd Apt 2
City: Arlington
State: VA
Zip: 22201
Phone: 703-772-7748
Email Address: rgerdes1@hotmail.com
Subject: Smokefree laws

Dear Mayor Euille:

I work in Alexandria and live in Arlington. I am writing in support of your policy of using use permits to eliminate smoking in many restaurants, referenced in the March 1 Washington Post article.

Comments: I just wanted to let you know that many people, including myself, will be far more likely to eat out in Alexandria if there are smokefree restaurants available. In addition to avoiding a known carcinogen and all its associated health risks, I will be able to come home after a restaurant visit and not need to dry clean my clothing to remove the smoky smell!

Thank you again for your support of smokefree restaurants.

Sincerely,

Robyn L Gerdes

8

6-16-07



<Andrew@FirstInsightLLC.com>

06/13/2007 06:12 PM

Please respond to
<Andrew@FirstInsightLLC.com>

To <alexvamayor@aol.com>, <timothylovain@aol.com>, <councilmangaines@aol.com>, <council@krupicka.com>, <delpepper@aol.com>, <paulcsmedberg@aol.com>

cc

bcc

Subject COA Contact Us: I support the smoking ban

Time: [Wed Jun 13, 2007 18:12:47] IP Address: [69.140.66.116]

Response requested: []

First Name: Andrew
Last Name: Simpson
Street Address: 111 Oronoco Street
City: Alexandria
State: Virginia
Zip: 22314
Phone: (703) 548-5551
Email Address: Andrew@FirstInsightLLC.com
Subject: I support the smoking ban
The Honorable Mayor Euille and Alexandria Council Members,

I strongly support the proposed Special Use Permit process that could have the effect of banning smoking in all public establishments. I have shared my thoughts with the Alexandria Chamber of Commerce which has adopted what I see as an irresponsible position in trying to undermine Mayor Euille's commendable efforts.

The Chamber's present position ignores fundamental truths about second-hand cigarette smoke and Virginia politics generally. First, the Chamber glosses over the actual threat in this case. Second-hand smoke is not simply an annoyance or aggravation to those who have allergies or heightened sensitivity to smoke; it is a known carcinogen that verifiably causes a certain number of deaths, cancers, and illnesses each year in adults and children who are exposed to it. If one accepts the truth of that assertion --- and if you don't, please let me know so I can provide data that confirm same --- how can anyone in good conscience oppose a position that attempts to address this real threat in the continuing absence of action in Richmond? How can the

council and our mayor be faulted for acting with the only tools available to them? Moreover, from a theoretical standpoint, how can the Chamber possibly adopt a position that would allow businesses to OPT IN or OPT OUT of protecting their patrons from a known carcinogen? Would the Chamber adopt a similar position if a restaurant OPTED OUT of the cost and hassles of removing lead paint dust or asbestos dust from its bar area? Yet the Chamber is effectively espousing a plan that would permit restaurants to OPT IN or OPT OUT of protecting the health of their patrons from a known threat.

Comments: When you examine the statistics --- as I have --- including the link between second-hand tobacco smoke and cancers other than lung cancer, such as uterine cancer in women, one can not help but conclude that second-hand smoke has caused more harm to the health of families than lead paint dust or asbestos. It should be emphasized at this point that tobacco use is an addiction. Many of the people lighting up are doing so in spite of the fact they know it is destroying their health and they sincerely want to quit, but they simply can't. Many of the children and friends of those smokers may not have the choice to simply leave an establishment. And what about the waiters and waitresses working in those bars who effectively do not have a choice to leave the establishment because they can not find a job that pays the same anywhere else!

As to the City using the permitting process to protect the health of its citizens, I see it as necessary in light of the prolonged unwillingness to act in Richmond. As anyone who has ever spent time in the General Assembly in Richmond (as I have) will tell you, Big Tobacco owns Richmond! And as long as Phillip Morris and its cronies keep making substantial contributions to the army of politicians and hacks that operate in its backyard, this is not going to change.

The City of Alexandria recognizes all of the above realities, and they have said we are not going to wait anymore. We are not going to wait for Big Tobacco and lawmakers in Richmond to do the right thing when the system is so completely stacked against the health of our citizens. Mayor Euille is putting the health of Alexandria's citizens over politics as usual. The Chamber and all Alexandrians should commend him on this; it should not be trying to affirmatively submarine him.

I should note I am a cancer survivor of a type of cancer (nasopharyngeal carcinoma) that has been closely linked with exposure to second-hand tobacco smoke. I should further note that I've never smoked a cigarette or a cigar in my life, although I was exposed to the second-hand smoke of same throughout my life.

My brother-in-law was diagnosed with lung cancer last Thursday.

Andrew G. Simpson, Esquire

President, First Insight, LLC

111 Oronoco Street

Alexandria, Virginia 22314

(703) 548-5551

(703) 548-5551

www.FirstInsightLLC.com

8

6-16-07



"Judith Lowe"
<judylowe36@comcast.net>
03/03/2007 02:59 PM

To "Andrew Macdonald" <macdonaldcouncil@msn.com>, "Bill
Euille" <Alexvamayor@aol.com>, "'Del Pepper"
<delpepper@aol.com>, "Jackie Henderson"
cc
bcc
Subject Smoking Ban

This is the first time in my life that I have been violently opposed to something that this group was attempting to do. I feel so strongly about it, however, that I am writing this email. Have you given any thought at all that you are taking away another freedom? Smoking is not illegal in the United States - nor in Alexandria and you are going to make it illegal for people who are sitting outside. If employee in a smoking environment feels that it is bothering them, then they need to get another job. I thought it was pretty ironic that you are pushing the boat to bring customers from National Harbor and at the same taking their rights away. People that come from the Midwest will think we are nuts. The signs that say "This is a smoke-free establishment" would be impressive to non-smokers and a variety of people. It amazes me that anyone who grew up in the 30s, 40s, 50s, and 60s is alive today because most had smoking in their homes and workplaces. I really believe that certain restaurants will suffer to the point of maybe having to close. I know that Joe Theismann and Hectors both have a very loyal, social bar crowd. So what if this is fatal to them. Will we see another budget item to help them? Neither Larry nor I smoke and haven't for over 12 years. I cannot, however, see that going this extra mile will be good for our City. Sure it will get a lot of press but you will never know how many people moaned at the idea.

Judy Lowe
judylowe36@comcast.net
703.548.1713 (home)

8
6-16-07



<amy@bursellresearch.com>

03/03/2007 03:54 PM

Please respond to
<amy@bursellresearch.com>

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>, <timothylovain@aol.com>, <councilmangaines@aol.com>, <council@krupicka.com>, <delpepper@aol.com>,

cc

bcc

Subject COA Contact Us: Smoking in Alex



Time: [Sat Mar 03, 2007 15:54:45] IP Address: [72.83.166.23]

Response requested: []

First Name: Amy
Last Name: Bursell
Street Address: 119 Prince Street
City: Alexandria
State: VA
Zip: 22314
Phone: 703-548-5512
Email Address: amy@bursellresearch.com
Subject: Smoking in Alex
Comments: The City MUST provide ample notice to all regarding the potential hearing regarding the issue of smoking in public places. Failure to provide ample notice and ability to appeal any City Council motion will render the City officials in legal violation of the citizens it serves.



<toddmuller@comcast.net>

03/02/2007 04:12 PM

Please respond to
<toddmuller@comcast.net>

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>,
<timothylovain@aol.com>, <councilmangaines@aol.com>,
<council@krupicka.com>, <delpepper@aol.com>,

cc

bcc

Subject COA Contact Us: Smoking ban

8
6-116-07

Time: [Fri Mar 02, 2007 16:12:41] IP Address: [68.55.4.15]

Response requested: []

First Name: todd
Last Name: muller
Street Address: 6128 Edsall Road
City: Alexandria
State: VA
Zip: 22304
Phone: 703-461-3043
Email Address: toddmuller@comcast.net
Subject: Smoking ban

Comments: I wish to refer you to the March 1, 2007 page 1 article in The Washington Post entitled, "Alexandria's End Run on Public Smoking". I oppose the proposed council action to use zoning authority to restrict restaurantuers' decision making as to whether or not to allow smoking in their establishments. Enactment would be a crushihng blow to private property rights, individual choice and a blatant over-stepping of legislative authority. Will the city council ultimately withhold permits to restaurants that serve meat because, by golly, meat and it's preparation poses a public health risk? What happened to private property rights and individual liberty upon which this nation was founded?

Please inform me of the date and location of any and all public meetings scheduled on this subject. Thank you.

8

6-16-07



<jaspeaking70@aol.com>

03/02/2007 04:10 PM

Please respond to
<jaspeaking70@aol.com>

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>, <timothylovain@aol.com>, <councilmangaines@aol.com>, <council@krupicka.com>, <delperpepper@aol.com>,
cc

bcc

Subject COA Contact Us: making Alexandria restaurants smokefree



Time: [Fri Mar 02, 2007 16:10:24] IP Address: [208.197.218.241]

Response requested: []

First Name: Joel
Last Name: Spivak
Street Address: 4319 Louis Place
City: Alexandria
State: Virginia
Zip: 22304
Phone: 7033702434
Email Address: jaspeaking70@aol.com
Subject: making Alexandria restaurants smokefree
I was so happy to see that the City is considering some very innovative ways to make Alexandria restaurants smoke-free. Please do whatever you can to make that happen. You have my full and complete support.

Comments:

Joel Spivak

8
6-16-07



<sharz28hus@aol.com>

03/02/2007 12:40 PM

Please respond to
<sharz28hus@aol.com>

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>, <timothylovain@aol.com>, <councilmangaines@aol.com>, <council@krupicka.com>, <delpepper@aol.com>

cc

bcc

Subject COA Contact Us: An alternative to a smoking ban



Time: [Fri Mar 02, 2007 12:40:18] IP Address: [152.163.100.66]

Response requested: []

First Name: David
Last Name: Kuneman
Street Address: 1015 O Day ave
City: St. Louis
State: MO
Zip: 63119
Phone: 314-968-8241
Email Address: sharz28hus@aol.com
Subject: An alternative to a smoking ban
Distinguished Mayor, Vice Mayor, and City Council:

I am David W. Kuneman, Director of Research of the Smokers' Club, Inc. This is a non-compensated position, and we recieve no tobacco funding. Please visit my webpage at kuneman.smokersclub.com.

I have been studying smoking bans, and, in truth, they do harm business. In addition, it has recently come to my attention that, despite preemption by the state of Virgina, you are looking at ways to discourage establishments from allowing smoking.

I have always been a believer in freedom of choice, but such freedom should be based upon informed consent. I have been trying to get local govts interested in the idea of requiring all establishments to post an open cigarette symbol if they allow smoking, or a slashed cigarette symbol if they do not, in all advertisements in phone directories, coupons, and print media ads; exempting line listings in phone directories.

Comments:

This way, before embarking on an evening out,

patrons could check the smoking status of their planned destination, and adjust their plans accordingly. Workers seeking employment could also check in advance, before, even applying for an opening, to help them make a determination if they want to be exposed to smoke.

If most of the patrons in Alexandria prefer smoke-free, then those smoke-free establishments will attract more business. If the reverse is true then the people have spoken. In the long run, a fair balance of smoke-free and smoking establishments will be achieved. The state is currently considering legislation which will allow an establishment to be all smoking if they meet signage requirements. So an ordinance by you, as I described above would complement that nicely.

If you do consider, and pass such an ordinance, would you please let me know how it works out?

Respectfully Submitted,
David W. Kuneman

8
6-16-07



<caiopeixoto@yahoo.com>

03/02/2007 09:56 AM

Please respond to
<caiopeixoto@yahoo.com>

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>, <timothylovain@aol.com>, <councilmangaines@aol.com>, <council@krupicka.com>, <delpepper@aol.com>,
cc
bcc
Subject COA Contact Us: Smoking Ban



Time: [Fri Mar 02, 2007 09:56:22] IP Address: [69.143.21.119]

Response requested: []

First Name: Caio
Last Name: Peixoto
Street Address: 1111 Army-Navy Dr. Apt. 428
City: Arlington
State: VA
Zip: 22202
Phone: 973-979-3564
Email Address: caiopeixoto@yahoo.com
Subject: Smoking Ban

Comments: I think that it was a great idea of the City to use the zoning laws to ban smoking. That shows great leadership on your part, and I hope that other localities will follow your example. It's nice to see an example of where officials are putting the needs of the people ahead of that of special interest and big businesses.

Thank you for your efforts.

8
6-16-07



<michelle.ryan@comcast.net>

02/28/2007 11:30 PM

Please respond to
<michelle.ryan@comcast.net>

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>, <timothylovain@aol.com>, <councilmangaines@aol.com>, <council@krupicka.com>, <delpepper@aol.com>

cc

bcc

Subject COA Contact Us: I support the no-smoking ban in restaurants and bars



Time: [Wed Feb 28, 2007 23:30:36] IP Address: [68.50.201.14]

Response requested: []

First Name: Michelle
Last Name: Ryan
Street Address: 3027 Bryan Street
City: Alexandria
State: VA
Zip: 22302
Phone: 751-6483
Email Address: michelle.ryan@comcast.net
Subject: I support the no-smoking ban in restaurants and bars
Comments: I support all efforts to ban smoking in restaurants and bars in the City of Alexandria. I will eat out more in Alexandria restaurants if such a ban goes into effect. Thanks.

8
6-16-07



<brian.hunsicker@gmail.com>

03/01/2007 11:15 AM

Please respond to
<brian.hunsicker@gmail.com>

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>, <timothylovain@aol.com>, <councilmangaines@aol.com>, <council@krupicka.com>, <delpepper@aol.com>

cc

bcc

Subject COA Contact Us: Proposed Smoking Ban



Time: [Thu Mar 01, 2007 11:15:20] IP Address: [69.143.35.228]

Response requested: []

First Name: Brian
Last Name: Hunsicker
Street Address: 5780 Dunster Ct., Apt. 272
City: Alexandria
State: VA
Zip: 22311
Phone: 703-851-7706
Email Address: brian.hunsicker@gmail.com
Subject: Proposed Smoking Ban
Dear Mayor Euille, Vice Mayor Macdonald and Council Members:

Why must we legislate to protect us from ourselves?

The proposed smoking ban in restaurants that hit the media today is just that, legislation that protects us from ourselves. But at what cost?

Neither my wife or I smoke, though we have friends that do - probably just like most of you. As we've watched the news over the past few months, we could only shake our head as we saw reports of jurisdictions in Maryland and eventually D.C. enact smoking bans. Surely, we thought, that would never happen here.

My wife is often bothered by excessive cigarette smoke. But we have a simple solution to that: If the smoke at a particular establishment gets to be too much, we leave and go somewhere else. That works well for all parties; we do what we need to do while not interfering with what smokers choose to do.

Most restaurants, you'll agree, are pretty effective

at separating smoking and non-smoking areas. Truthfully, I cannot remember the last time my meal was adversely affected by someone smoking; and we eat out at least once a week. If it were, we'll find another place.

Comments:

If you want to make a case for bartenders and waitresses, they know - or at least should be aware - the working conditions when they enter into employment with a given establishment. If it really meant that much to them, they too could go somewhere else. (Though I certainly realize that changing jobs is not as easily done as changing bars on a night out. But I feel the point still stands.)

Perhaps you've also seen recent reports from D.C. Their smoking ban has pushed people outside to smoke; if any of Alexandria's residents live near a neighborhood bar, then you run the risk of inconveniencing them by putting people (probably with a few beers in them) outside of their window at 1:30 a.m.

I just can't get over the fact that the intent this proposed legislation seems to trample on folks' rights. I certainly think that there are proper situations for laws in the public interest, but this isn't one of them. Not with the abundance of entertainment choices our city offers.

Taking away a right may be important in some instances; this isn't one of them. Essentially, this seems to be legislating convenience; if one-third of the city's restaurants participate in the Proud to be Smoke Free program (as reported in today's Post), then the people who are truly and deeply bothered by the smoke around should have plenty of alternatives. People can - and should - vote with their wallet.

Unfortunately, given the confidence with which Mayor Euille and Attorney Pessoa speak in the above-referenced Post story, I'm afraid this argument falls largely on deaf ears. Nonetheless, I write to you as a concerned citizen and urge you to reconsider this proposal.

Respectfully,
Brian Hunsicker



<jcarter75@aol.com>

03/01/2007 12:00 PM

Please respond to
<jcarter75@aol.com>

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>,
<timothylovain@aol.com>, <councilmangaines@aol.com>,
<council@krupicka.com>, <delperpepper@aol.com>,

cc

bcc

Subject COA Contact Us: Alexandria Smoking Ban

8
6-16-07

Time: [Thu Mar 01, 2007 12:00:01] IP Address: [64.192.150.2]

Response requested: []

First Name: Jon
Last Name: Carter
Street Address: 921 Church St. #1
City: Alexandria
State: VA
Zip: 22314
Phone: 703 299-9470
Email Address: jcarter75@aol.com
Subject: Alexandria Smoking Ban
Dear City Officials,

I recently read an article in the Washington Post on the proposed smoking ban in Alexandria, VA and I am very disturbed that the leadership of our city has basically resorted to holding businesses hostage in an effort to advance their agenda:

"Alexandria would seize control of the smoking issue with such mundane tools as use permits. When a bar or restaurant came to the city to request a permit, the city would require it to be smoke-free before granting the permit. Restaurants that have permits must agree to go smoke-free in three months or risk future restrictions or even closure."

"Alexandria's plan would require all new restaurants to be smoke-free, as well as existing restaurants with outdoor seating on public sidewalks -- which include many cafes in the popular Old Town and Del Ray shopping districts. Restaurants that want to continue to allow smoking would not be able to make upgrades or renovations and

would risk being shut down, according to the plan."

Comments: I am not a smoker and often chose to give my business to establishments that are smoke free but I feel that we cannot afford to shut down businesses simply because they choose to allow their customers the right to smoke. The City Leadership obviously thinks that they know better than the average citizen and have resorted to mafia like tactics in order to get what they want.

I fully support incentives and tax breaks for businesses that want to go smoke free and I hope that the City Leadership will chose to look into these alternatives rather than imposing a "We Know What is Best For You" Nanny state law.

I have worked and lived in Old Town Alexandria for the past ten years – and have enjoyed it very much. But I cannot stand by in silence when I see our City Leaders resort to these types of end run tactics that are misguided at best. Please reconsider your plan to ban smoking in Alexandria, VA. Thanks.

Sincerely,

Jon Carter
921 Church St. #1
Alexandria, VA 22314

8

6-16-07



<clarkk3@hotmail.com>

03/01/2007 01:05 PM

Please respond to
<clarkk3@hotmail.com>

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>, <timothylovain@aol.com>, <councilmangaines@aol.com>, <council@krupicka.com>, <delpepper@aol.com>,

cc

bcc

Subject COA Contact Us: Support for using Zoning to mandate Smokefree restaurants



Time: [Thu Mar 01, 2007 13:05:32] IP Address: [72.5.151.250]

Response requested: []

First Name: Karen

Last Name: Anderson

Street Address: 5937 Berkshire Court

City: Alexandria

State: VA

Zip: 22303

Phone: 703-400-4819

Email Address: clarkk3@hotmail.com

Subject: Support for using Zoning to mandate Smokefree restaurants

To the Honorable Alexandria City Council:

I am writing to convey my strong support for efforts to mandate smoke-free restaurants via zoning regulations. I am extremely disheartened to live in a state that so limits local authority to ban smoking. I have lived in Alexandria for four years.

Comments: I am a 34 year old woman who has lived in Alexandria for four years. Since Washington DC implemented their smokefree policy, my husband and I have chosen to frequent the DC bars and restaurants because of the dramatic difference the smokefree environment makes in our evening.

I applaud your efforts and encourage you to continue to creatively address this problem. I would love to stay in Alexandria for years to come, but are starting to give serious thought to moving to DC or Maryland where I could enjoy my local area more thoroughly.

Sincerely,
Karen Anderson

8
6-16-07



<hmccaffe@yahoo.com>

03/01/2007 04:14 PM

Please respond to
<hmccaffe@yahoo.com>

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>, <timothylovain@aol.com>, <councilmangaines@aol.com>, <council@krupicka.com>, <delpepper@aol.com>

cc

bcc

Subject COA Contact Us: Smoking Ban in Alexandria



Time: [Thu Mar 01, 2007 16:14:35] IP Address: [152.121.18.98]

Response requested: []

First Name: Heather
Last Name: McCafferty
Street Address: 801 S. Pitt St #227
City: Alexandria
State: VA
Zip: 22314
Phone: 703-299-6615
Email Address: hmccaffe@yahoo.com

Subject: Smoking Ban in Alexandria

I recently read an article in the Washington Post on the proposed smoking ban in Alexandria, VA and I support its decision to move forward toward smoke-free environments!

Several points support smoke-free establishments:

- * Health hazards (direct for smokers) and (indirect for restaurant staff and nonsmoking patrons exposed to second hand smoke)
- * Precedents in NYC and DC pave the way for providing smoke-free environments
- * Businesses will have to adapt or fail as our country / citizens have realized it cannot continue to afford to pay for diseases that result from smoking & second-hand smoke exposure.

Comments:

I look forward to breathing freely when I go out in Old Town. Thanks again for your pursuit of this issue!

v/r,
Heather McCafferty

8

6-16-07



<myeager@beankinney.com>

03/01/2007 04:27 PM

Please respond to
<myeager@beankinney.com>

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>,
<timothylovain@aol.com>, <councilmangaines@aol.com>,
<council@krupicka.com>, <delpepper@aol.com>,

cc

bcc

Subject COA Contact Us: Turn Down the Smoking Ban

Time: [Thu Mar 01, 2007 16:27:15] IP Address: [63.117.139.21]

Response requested:

First Name: Martin
Last Name: Yeager
Street Address: 105 Stewart Avenue
City: Alexandria
State: VA
Zip: 22301
Phone: 7039664481
Email Address: myeager@beankinney.com
Subject: Turn Down the Smoking Ban

Please say no to the efforts to create a smoking ban in the City of Alexandria. I am a non-smoking member of the Alexandria Democrats and I am appalled at these efforts. Success in the restaurant business is difficult enough without having to jump draconian hurdles such as this one. If the restaurant wants to cater to non-smokers, such as 100 King Street is attempting to do, it should be able to use those efforts as a marketing tool and advantage over restaurants that choose to let their patrons smoke.

Comments:

This is not an appropriate use of the zoning and permitting powers held by this City. It will only lead to expensive litigation between the businesses affected and the City, which the City would likely lose in the end. For this reason, it is an inappropriate waste of City resources.

Thank you.

Martin J. A. Yeager



<chughesfox@mac.com>

03/02/2007 08:30 AM

Please respond to
<chughesfox@mac.com>

8

6-16-07

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>, <timothylovain@aol.com>, <councilmangaines@aol.com>, <council@krupicka.com>, <delpepper@aol.com>,
cc

bcc

Subject COA Contact Us: Ban on Public Smoking



Time: [Fri Mar 02, 2007 08:30:18] IP Address: [76.21.192.68]

Response requested: []

First Name: Christopher
Last Name: Fox
Street Address: 507 South Saint Asaph Street
City: Alexandria
State: VA
Zip: 22314
Phone: 703 684-1979
Email Address: chughesfox@mac.com
Subject: Ban on Public Smoking

Dear Mayor, Vice-Mayor, and Council Members:

I applaud your efforts to use the city's zoning authority to mandate smoke-free restaurants. Please continue with this strategy vigorously. The counter argument articulated by some of "smokers' rights" is flawed as no one has the right to harm the health of others around them. The best ammunition to support your approach is last year's U.S. Surgeon Generals Report on second hand smoke:

<http://www.surgeongeneral.gov/library/secondhandsmoke/>

Comments: Can this same strategy be also used for zoning of liquor licenses and bars? I have noticed that since DC banned smoking in bars, that our own drinking establishments have become even more smoke filled. I no longer stop for a beer or glass of wine on the way home from work or on the weekend as the smokers from DC have found their way across the Potomac. Why should they be driving out local residents?

Again, I applaud your efforts. Keep up the good work.

Sincerely,

Christopher Fox



<karenhewis@comcast.net>

03/16/2007 01:13 PM

Please respond to
<karenhewis@comcast.net>

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>,
<timothylovain@aol.com>, <councilmangaines@aol.com>,
<council@krupicka.com>, <delpepper@aol.com>,

cc

bcc

Subject COA Contact Us: Smoke-free restaurants

8
6-16-07

Time: [Fri Mar 16, 2007 12:13:20] IP Address: [65.213.211.131]

Response requested: []

First Name: Karen
Last Name: Lewis
Street Address: 1225 N. Powhatan St.
City: Arlington
State: VA
Zip: 22205
Phone: 703-533-9419
Email Address: karenhewis@comcast.net
Subject: Smoke-free restaurants

Dear Sirs and Madams --

I live in Arlington but work in Alexandria, on Duke Street. I can't tell you how pleased I am that you are working to make bars and restaurants smoke-free.

Comments:

I realize that in a tobacco state like Virginia, it takes real strength of character to stand up to the tobacco industry. Non-smoking sections simply don't work. My husband and daughter both have asthma, and restaurants that allow smoking risk their lives.

I think it would be a real accomplishment for the whole state if in the 400th anniversary year of the founding of Jamestown, Alexandria were to step over to the right side of history and go smokefree!

Thanks for your hard work on this issue!

Sincerely,

Karen Lewis



<jessica.kuehne@gmail.com>

03/19/2007 12:00 PM

Please respond to
<jessica.kuehne@gmail.com>

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>,
<timothylovain@aol.com>, <councilmangaines@aol.com>,
<council@krupicka.com>, <delpepper@aol.com>,

cc

bcc

Subject COA Contact Us: Smoke-Free Alexandria

8
6-16-07

Time: [Mon Mar 19, 2007 11:00:04] IP Address: [208.197.218.241]

Response requested:

First Name: Jessica
Last Name: Kuehne
Street Address: 929 North Van Dorn Str. #301
City: Alexandria
State: VA
Zip: 22304
Phone: 703-717-9997
Email Address: jessica.kuehne@gmail.com
Subject: Smoke-Free Alexandria

Dear Mayor Euille,

Comments:

I'd like to thank you and the City Council for your "outside-the-box" thinking concerning the smoke-free issue in Alexandria. I believe it is imperative that everyone, restaurant customers and employees alike, are protected from the dangers of second-hand smoke. Last year the Surgeon General confirmed that there is no risk-free level of exposure to second-hand smoke. I applaud all Alexandria officials for engaging the matter.

Thank you for your hard work and all that you do,

Sincerely,

Jessica Kuehne

8
6-16-07



<bcmayjr@hotmail.com>

03/07/2007 02:05 PM

Please respond to
<bcmayjr@hotmail.com>

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>, <timothylovain@aol.com>, <councilmangaines@aol.com>, <council@krupicka.com>, <delpepper@aol.com>,

cc

bcc

Subject COA Contact Us: smoking



Time: [Wed Mar 07, 2007 14:05:53] IP Address: [68.50.201.80]

Response requested:

First Name: bc
Last Name: may
Street Address: 219 green st
City: alexandria
State: va
Zip: 22314
Phone: 7037259162
Email Address: bcmayjr@hotmail.com
Subject: smoking
Comments: Please support the efforts to ban smoking in restaurants. it is for everyone's benefit.



<kstwk@aol.com>

03/05/2007 02:03 PM

Please respond to
<kstwk@aol.com>

8
6-16-07

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>, <timothylovain@aol.com>, <councilmangaines@aol.com>, <council@krupicka.com>, <delpepper@aol.com>,

cc

bcc

Subject COA Contact Us: Smoking Ban in Alexandria



Time: [Mon Mar 05, 2007 14:03:45] IP Address: [64.12.116.202]

Response requested: []

First Name: Karyn
Last Name: Kimberling
Street Address: 4612 4th Rd. N.
City: Arlington
State: Virginia
Zip: 22203
Phone: 703-294-4846
Email Address: kstwk@aol.com
Subject: Smoking Ban in Alexandria

You represent the people not special interest. The people are not screaming for a smoking ban. Old town is doing a thriving business in restaurants that accommodate both smokers and non smokers. Since the smoking ban in DC, Virginia restaurants are busier than ever.

Second hand smoke is not an issue, OSHA has never issued regulations because the levels are way below their standard of clean air and are on the same par as cleaning products, fireplaces and cooking.

Comments: The Oak Ridge National Laboratory, a government agency, has done many tests in smokey bars and found the air inside was cleaner than the air outside.

You are not protecting freedom, the foundation of America. There are many smoking and nonsmoking restaurants to choose from, choice and free enterprise should decide based on their cliental, not people who are receiving fat donations from special interest groups.

Workers can also choose where to work.

Freedom is America, prohibition is not.

8
6-16-07



<susanherg@gmail.com>

03/03/2007 03:06 PM

Please respond to
<susanherg@gmail.com>

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>, <timothylovain@aol.com>, <councilmangaines@aol.com>, <council@krupicka.com>, <delpepper@aol.com>

cc

bcc

Subject COA Contact Us: smoking



Time: [Sat Mar 03, 2007 15:06:40] IP Address: [70.179.124.210]

Response requested: []

First Name: susan
Last Name: hergenrather
Street Address: 7310 oriole ave
City: springfield
State: va
Zip: 22150
Phone: 703 569 7626
Email Address: susanherg@gmail.com
Subject: smoking

I have worked in the restaurants in Alexandria for 31 years. I consider myself an honorary Alexandrian, as do many others.

The strength of our city is diversity and freedom-something I have seen eroded over three decades. The place I call home is becoming an enclave of holier than thou moralists who feel it is appropriate to force their views on to others.

Comments: Why do you feel the need to succumb to the pressures of the anti-smoking faction? Please do not say it is for my health as a restaurant worker. This, quite frankly, is crap. Please do not tell me it is for the public good. What about outdoor pollution? There is nothing quite as ludicrous as seeing a jogger deeply inhaling auto fumes as he/she runs all over town and then complaining about the smoke a ONE SECTION OF A RESTAURANT. These same people have no compunction about consuming 5,000 calories of fettucine alfredo, washed down by \$30.00 dollars worth of Grey Goose and finishing with a tiramisu. What about the public health crisis of obesity? What about the public (and private) tragedy of alcoholism?

No one will get off this earth alive. No matter what. Leave the few remaining people who enjoy a smoke, in a bar alone. A bar is the last place in our culture where you can take off your pack, have a drink, a smoke and talk to people of every ilk about any subject. It is an important venue for many people. It is an important forum in an increasingly restrictive culture. This is America...allow us some freedom.

Respectfully,

Susan Hergenrather at Landini Bros. Restaurant

8
6-16-07



<jennifer.lester.ctr@tma.osd.mil
>

04/04/2007 01:18 PM

Please respond to
<jennifer.lester.ctr@tma.osd.mil>

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>,
<timothylovain@aol.com>, <councilmangaines@aol.com>,
<council@krupicka.com>, <delpepper@aol.com>,

cc

bcc

Subject COA Contact Us: Smoking Ban



Time: [Wed Apr 04, 2007 13:18:02] IP Address: [164.65.150.148]

Response requested: []

First Name: Jennifer
Last Name: Lester
Street Address: 2801 Park Center Dr., #A1703
City: Alexandria
State: VA
Zip: 22302
Phone: 703-567-0201
Email Address: jennfer.lester.ctr@tma.osd.mil
Subject: Smoking Ban

Comments: I know smoking is unhealthy and bothersome to others. However, in America, adults still have the right to choose their personal vices. That goes for restaurant and bar owners as well as customers. Let the individual adults decide. Owners can choose to be smoking or non-smoking and post their choice at the door. Customers who prefer non-smoking can go to those establishments, and those who enjoy a cigarette with a cocktail or after a meal still have that freedom. Can you imagine Old Town on a busy weekend night in the summer when the sidewalks are already packed, being crowded with displaced smokers? Let's keep Alexandrians with the freedom of choice.



<tottnm61@comcast.net>

04/03/2007 10:28 PM

Please respond to
<tottnm61@comcast.net>

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>,
<timothylovain@aol.com>, <councilmangaines@aol.com>,
<council@krupicka.com>, <delperpepper@aol.com>,

cc

bcc

Subject COA Contact Us: Proposed Smoking Ban

8
6-16-07

Time: [Tue Apr 03, 2007 22:28:21] IP Address: [76.21.206.9]

Response requested: []

First Name: Philip

Last Name: McCombie

Street Address: 501 Slaters Lane #701

City: Alexandria

State: VA

Zip: 22314

Phone: 7037065886

Email Address: tottnm61@comcast.net

Subject: Proposed Smoking Ban

As a double restaurant owner in Old Town, Perk's Coffee Shop and Thailand Royal St. Restaurant in Old Town North, I have a few points to make.

1) I go to Murphy's and Theismans on a weekly basis, as the Mayor knows, and I see no major smoke problem. Both of these establishments allow smoking, but most patrons do not smoke anyway. Please allow people to vote with their feet and not go to places that allow smoking. 80% of Alexandria restaurants are already smoke-free. Why do you have to interfere with the status quo?

2) My Thai restaurant is non-smoking, my coffee shop allows smoking at my outside tables only. Your proposal will ban smoking at my outside tables, but allow my customers to stand up and move 5 feet to the East and smoke happily on the sidewalk! My recent notices for renewal of my business licences stated that "To operate a business in Alexandria is a Privilege". Now I know why. This proposed legislation is going to tell me who I can market to as potential customers. Big Brother?

Comments:

3) If you do not continue to allow freedom of choice for both business owners and patrons alike

you will lose even more business to Arlington County who are far more business friendly. Remember where your taxes come from. Tourists will not come here if there are no businesses. What will they eat, drink and buy? Also, given our proximity to D.C., remember that a lot of visitors and workers are from Europe and Asia, where smoking is prevalent. You want to alienate them also?
Good Luck!!!!

4) Finally, none of us are breaking current VA law by allowing some form of smoking. What right do you have to circumvent this? Other than the "privilege" rule of course!!!!!!!!!!

8

6-16-07



<murphyth@silverbulletinc.com
>

04/04/2007 02:16 AM

Please respond to
<murphyth@silverbulletinc.com>

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>,
<timothylovain@aol.com>, <councilmangaines@aol.com>,
<council@krupicka.com>, <delpepper@aol.com>,

cc

bcc

Subject COA Contact Us: Pro-Smoking in Bars and Restaurants

Time: [Wed Apr 04, 2007 02:16:51] IP Address: [76.21.206.121]

Response requested:

First Name: Tom
Last Name: Murphy
Street Address: 561 East Nelson Ave.
City: Alexandria
State: VA
Zip: 22301
Phone: 703-684-5106
Email Address: murphyth@silverbulletinc.com
Subject: Pro-Smoking in Bars and Restaurants

I know it seems to be the current "Fad" to ban smoking. This is again another "big brother attempt" to invoke more of the so called "Nanny Laws". The American way has traditionally been to let the market place seek it's own level given sufficient competition. This seems to be working very well in the case of smoking in restaurants. The restaurant business is highly competitive and very responsive to market changes. To pass this "non-sense" legislation is a waste of the tax payers money and a diversion of the city council's time, which could be much better spent in tackling real issues like the, virtually no competition, Taxi Cab situation in Alexandria given the "Yates" monopoly. I know this is a hard one, but with National Harbor coming soon, our currently disgraceful cab service will get much worse and cause an increased DWI situation. But I guess the city likes that for the increase in fine revenue.

Comments:

As a local corporate executive supporting the DoD, my clients look forward to coming to Old Town Alexandria (especially Californians) where they can enjoy a fine meal, fine wine and a good Cigar after dinner. Restaurants like Landini Bros. are a big hit with my out of town customers. There are plenty of non-smoking restaurants. Leave the

others alone!! They are good for business. People like Winston Churchill, Franklin Roosevelt, etc. would highly concur.

I'm not sure where these "Nanny Laws" will end, but I guess "Trans Fats" are next followed by "Foie Gras" as in Chicago. Perhaps you could bring back "prohibition". You people are getting embarrassing. My corporate friends and others are now forming a "Coalition Against Nanny laws-In Town" (CANI-IT). Stand by at the next election. We intend to be in full swing.

8
6-16-07



<erica.sterling@gmail.com>

04/01/2007 02:31 PM

Please respond to
<erica.sterling@gmail.com>

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>, <timothylovain@aol.com>, <councilmangaines@aol.com>, <council@krupicka.com>, <delpepper@aol.com>

cc

bcc

Subject COA Contact Us: Smokefree Air



Time: [Sun Apr 01, 2007 14:31:45] IP Address: [68.55.108.252]

Response requested: []

First Name: Erica
Last Name: Sterling
Street Address: 929 North Van Dorn Street #301
City: Alexandria
State: VA
Zip: 22304
Phone: 703.717.9997
Email Address: erica.sterling@gmail.com
Subject: Smokefree Air
Comments: I appreciate the creative "thinking outside the box" solution to making Alexandria's eateries smokefree, and thank you for addressing this issue.

8
6-16-07



<secs607@yahoo.com>

03/29/2007 04:27 PM

Please respond to
<secs607@yahoo.com>

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>, <timothylovain@aol.com>, <councilmangaines@aol.com>, <council@krupicka.com>, <delpepper@aol.com>,

cc

bcc

Subject COA Contact Us: smoke free restaurants



Time: [Thu Mar 29, 2007 15:27:20] IP Address: [68.83.213.47]

Response requested:

First Name: sharon
Last Name: shackelford
Street Address: 607 johnston pl
City: alex
State: va
Zip: 22301
Phone: 703 548-0883
Email Address: secs607@yahoo.com
Subject: smoke free restaurants
Comments: I applaud this move. Please approve this. It works in Boston!

8
6-16-07



<dbertolotti@verizon.net>

03/28/2007 08:45 PM

Please respond to
<dbertolotti@verizon.net>

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>,
<timothylovain@aol.com>, <councilmangaines@aol.com>,
<council@krupicka.com>, <delpepper@aol.com>,

cc

bcc

Subject COA Contact Us: support for proposed smoking ban



Time: [Wed Mar 28, 2007 19:45:29] IP Address: [72.66.58.28]

Response requested: []

First Name: David
Last Name: Bertolotti
Street Address: 800 Washington St
City: Alexandria
State: VA
Zip: 22314
Phone: 703-549-8019
Email Address: dbertolotti@verizon.net
Subject: support for proposed smoking ban
As a resident of the City of Alexandria, I make a point to only eat in restaurants that are smoke free. In fact I frequently eat in DC restaurants and avoid Alexandria establishments for this very reason.
Comments:
I would go to more restaurants/bars in Alexandria if the smoking ban were enacted. Thank you.

8

6-16-07



<suyotoesq@hotmail.com>

03/29/2007 09:25 AM

Please respond to
<suyotoesq@hotmail.com>

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>, <timothylovain@aol.com>, <councilmangaines@aol.com>, <council@krupicka.com>, <delpepper@aol.com>,

cc

bcc

Subject COA Contact Us: Enthusiastic Support for Smoking Ban



Time: [Thu Mar 29, 2007 08:25:03] IP Address: [66.7.4.10]

Response requested: []

First Name: Susan Yoder
Last Name: Torres
Street Address: 4823 Peacock Avenue
City: Alexandria
State: VA
Zip: 22304
Phone: 202-638-2241
Email Address: suyotoesq@hotmail.com
Subject: Enthusiastic Support for Smoking Ban
My family ENTHUSIASTICALLY SUPPORTS the
Comments: proposed smoking ban in Alexandria restaurants.

8
6-16-07



<jimrosenberg67@yahoo.com>

03/23/2007 02:32 PM

Please respond to
<jimrosenberg67@yahoo.com>

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>, <timothylovain@aol.com>, <councilmangaines@aol.com>, <council@krupicka.com>, <delpepper@aol.com>

cc

bcc

Subject COA Contact Us: Smoke Free Alexandria



Time: [Fri Mar 23, 2007 13:32:54] IP Address: [69.140.85.213]

Response requested:

First Name: Jim

Last Name: Rosenberg

Street Address: 515 N. Columbus St #2

City: Alexandria

State: VA

Zip: 22314

Phone: 202-412-3841

Email Address: jimrosenberg67@yahoo.com

Subject: Smoke Free Alexandria

Comments: Thank you so much for taking up the issue of smoking in public places, bars, and restaurants in Alexandria. We love being part of the Alexandria community. However, we do not go out to restaurants and bars here due to all the smoking; our health is simply more important to us. We are in full support of new laws to ban smoking in public places. Thank you.

Jim Rosenberg

8

6-16-07



<maxlaw65@aol.com>

03/21/2007 09:07 AM

Please respond to
<maxlaw65@aol.com>

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>, <timothylovain@aol.com>, <councilmangaines@aol.com>, <council@krupicka.com>, <delpepper@aol.com>,

cc

bcc

Subject COA Contact Us: Commending City Council on the anti-smoking ordinance

Time: [Wed Mar 21, 2007 08:07:51] IP Address: [149.101.1.126]

Response requested: []

First Name: Max

Last Name: Weintraub

Street Address: 425 Cameron Station Blvd.

City: Alexandria

State: Virginia

Zip: 22304

Phone: 703-200-8686

Email Address: maxlaw65@aol.com

Subject: Commending City Council on the anti-smoking ordinance

Comments:

I wish to commend the Council on its recent proposal to ban smoking in the City's restaurants and bars. As a longtime City resident and patron of its establishments, I am proud of the strong position you have taken and the difficulty you must have had in reaching it.

I know you are facing some stiff opposition, and I wish to lend my support to the ultimate success of the ordinance.



<dprsox@aol.com>

03/20/2007 04:50 PM

Please respond to
<dprsox@aol.com>

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>,
<timothylovain@aol.com>, <councilmangaines@aol.com>,
<council@krupicka.com>, <delpepper@aol.com>,

cc

bcc

Subject COA Contact Us: Smoking Ban

8
6-16-07

Time: [Tue Mar 20, 2007 15:50:59] IP Address: [67.155.174.51]

Response requested: []

First Name: Doug
Last Name: Redman
Street Address: 407 N. Saint Asaph St.
City: Alexandria
State: Va.
Zip: 22314
Phone: 703-549-1905
Email Address: dprsox@aol.com
Subject: Smoking Ban
Mr. Mayor, Vice Mayor and Distinguished Council Members,

I read with great interest about your plans to ban smoking in bars and restaurants in Alexandria and I applaud your actions and I'm very impressed with your "out of the box" approach. This is long overdue.

As more countries, states, counties and cities go smoke free time and again the tobacco lobbyists, special interest groups, bar owners, and smokers themselves are proven wrong relative to their claims of pending economic doom and gloom. Revenues go up as more non-smokers go to bars and smokers simply go outside to smoke.

Claims of rights infringement work both ways as non-smokers rights have been infringed upon for years by the smoking minority. Just as they have said that non-smokers have a choice to come or not come into a bar or restaurant, under smoking bans, smokers will have the right to smoke if they choose, they just have to go outside.

My wife and I enjoy the bars and restaurants of old town. We used to go frequently but got tired of

Comments:

the stench in our clothes and hair and the sore throats we experienced the following morning. Imagine what restaurant workers go through as they don't have the opportunity to leave when they choose. This is really a health issue and I urge you to stay the course despite what will be an intense and often acrimonious response.

Since January 1, when the smoking ban went into effect in DC, my wife and I are staying downtown far more frequently than we used to just to be able to enjoy dinner and drinks in a smoke free environment. Incidentally, in our favorite spot, all of the same people, smokers and non-smokers alike, continue to come in and enjoy the smoke free atmosphere. We have even seen a good number of new people come in just because now they can without the negative side effects of second hand smoke. In addition, when it came time to pick a place to watch the superbowl, despite the fact that we live within 3 blocks of king street and numerous bars/restaurants, we chose to go to DC to watch the game. Some of our neighbors have indicated that they have done the same thing.

In closing, thank you for your efforts on our behalf and we wish you the best of luck on this very important issue.



<darrensilvis@hotmail.com>

03/16/2007 03:06 PM

Please respond to
<darrensilvis@hotmail.com>

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>,
<timothylovain@aol.com>, <councilmangaines@aol.com>,
<council@krupicka.com>, <delpepper@aol.com>,

cc

bcc

Subject COA Contact Us: Smoking ban in Alexandria

8

6-16-07

Time: [Fri Mar 16, 2007 14:06:27] IP Address: [68.55.5.89]

Response requested: []

First Name: Darren
Last Name: Silvis
Street Address: 3307 Wyndham Circle #1165
City: Alexandria
State: VA
Zip: 22302
Phone: 703-993-3847
Email Address: darrensilvis@hotmail.com
Subject: Smoking ban in Alexandria
Mayor Euille & Council Members,

Comments: Thank you for taking the time to consider a smoking ban in Alexandria. As a resident of the City, I would love to be able to call home to a "smoke-free" city and I encourage you to continue this difficult, but important debate.

best,
Darren Silvis



<kfolkpsu@aol.com>

03/16/2007 03:54 PM

Please respond to
<kfolkpsu@aol.com>

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>,
<timothylovain@aol.com>, <councilmangaines@aol.com>,
<council@krupicka.com>, <delpepper@aol.com>,

cc

bcc

Subject COA Contact Us: Ban smoking in bars and restaurants

8
6-16-07

Time: [Fri Mar 16, 2007 14:54:24] IP Address: [65.242.8.27]

Response requested: []

First Name: Kevin
Last Name: Folk
Street Address: 6024 B
Curtier Dr
City: Alexandria
State: VA
Zip: 22310
Phone: 703.801.0110
Email Address: kfolkpsu@aol.com
Subject: Ban smoking in bars and restaurants
To whom it may concern,

I hope that with the recent passage of laws of banning smoking in almost every state in some level, the leaders of the State of Virginia also understand the benefit to make all indoor public places smoke free.

I do not patronize bars anymore in VA as it is so nice to be in restaurants and bars in Washington and enjoy the smoke free atmosphere.

Comments:

Do you hear anyone complaining about the smoking ban? I have not - and it is actually helping the public realize that this is not meant to inconvenience anyone but a health risk to those that do not want to be exposed to smoke.

thank you,

Kevin Folk

8

6-16-07



<mmcguire@jenner.com>

04/04/2007 01:24 PM

Please respond to
<mmcguire@jenner.com>

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>,
<timothylovain@aol.com>, <councilmangaines@aol.com>,
<council@krupicka.com>, <delpepper@aol.com>,

cc

bcc

Subject COA Contact Us: today's mtg re proposed amendment to ban
smoking in all restaurants



Time: [Wed Apr 04, 2007 13:24:44] IP Address: [38.118.12.10]

Response requested: []

First Name: Marianne
Last Name: McGuire
Street Address: 250 S. Reynolds St.
City: Alexandria
State: VA
Zip: 22304
Phone: 202-639-6044
Email Address: mmcguire@jenner.com
Subject: today's mtg re proposed amendment to ban
smoking in all restaurants
Comments: I cannot attend the hearing, however I firmly
believe that a total ban of smoking in all
restaurants should NOT be implemented. I am in
favor of the status quo, i.e., continue to permit
individual restaurants/bars to decide whether they
choose to allow smoking or not.



<catbird@hotmail.com>

04/05/2007 01:12 AM

Please respond to
<catbird@hotmail.com>

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>, <timothylovain@aol.com>, <councilmangaines@aol.com>, <council@krupicka.com>, <delpepper@aol.com>,
cc

bcc

Subject COA Contact Us: Smoking ban-- No. Stop this nonsense

8
6-16-07

Time: [Thu Apr 05, 2007 01:12:23] IP Address: [4.236.27.21]

Response requested: []

First Name: Walter
Last Name: Cody
Street Address: 6519 Kelsey Pt Circle
City: Alexandria
State: VA
Zip: 22315
Phone: 703 555-1212
Email Address: catbird@hotmail.com
Subject: Smoking ban-- No. Stop this nonsense
Seems like you want to turn Alexandria into Salem. Scapegoating smokers and hunting smoker-witches seems to be the rage. This is no less hysterical than all the old hysterias-- the witch ones, the race ones, the religious ones, the tribal ones-- all of them based on irrational fads and fears.

Comments: I urge you to get off this mindless ban-wagon. Be the city that DOESN'T create apartheid. That respects all its citizens, and the property rights of owners. Then maybe Alexandria could start its own trend and draw the line on this rampaging shiny new bigotry.

W. B. Cody



<melanie.kornides@gmail.com>

04/16/2007 03:27 PM

Please respond to
<melanie.kornides@gmail.com>

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>, <timothylovain@aol.com>, <councilmangaines@aol.com>, <council@krupicka.com>, <delpepper@aol.com>,

cc

bcc

Subject COA Contact Us: Proposed Smoking Ban

8
6-16-07

Time: [Mon Apr 16, 2007 15:27:43] IP Address: [169.134.240.8]

Response requested: []

First Name: Melanie
Last Name: Kornides
Street Address: 2114 N. Early St.
City: Alexandria
State: VA
Zip: 22302
Phone: 7035196006
Email Address: melanie.kornides@gmail.com
Subject: Proposed Smoking Ban

Comments:

Dear Mayor Euille and Council Members,
I am writing to demonstrate my support for the proposed ban on smoking in the City of Alexandria. As both a city resident and employee, and I cannot emphasize enough how happy I am that you are making a ban on smoking a priority for the city.

Being a health care provider, I have seen first hand the damage that smoking and even second hand smoke causes to the health of individuals of all ages. It dismays me that a family cannot even dine in local restaurants without inadvertently being exposed to second hand smoke. I was recently dining at the Olive Garden, and was forced to endure smoke from the bar area which is placed directly next to the restaurant entrance and waiting area. Although I enjoy the diversity of dining and entertainment opportunities available in Alexandria, I almost always chose to go to Washington D.C. instead now that smoking has been banned there.

I urge you to consider the health of all Alexandria residents and visitors, and decide in favor of banning smoking in all Alexandria restaurants and bars. The health and happiness of the citizens depends on you.

Sincerely,

Melanie Kornides
Family Nurse Practitioner

8
6-16-07



<rkirsh64@hotmail.com>

04/17/2007 01:28 PM

Please respond to
<rkirsh64@hotmail.com>

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>,
<timothylovain@aol.com>, <councilmangaines@aol.com>,
<council@krupicka.com>, <delpepper@aol.com>,

cc

bcc

Subject COA Contact Us: Support public ban on smoking

Time: [Tue Apr 17, 2007 13:28:53] IP Address: [155.201.35.50]

Response requested:

First Name: Russell
Last Name: Kirsh
Street Address: 4413 Duke St, Apt 302
City: Alexandria
State: VA
Zip: 22304
Phone: 703-918-1315
Email Address: rkirsh64@hotmail.com

Subject: Support public ban on smoking

I am writing in support of the ban on smoking.

We live a in a country of freedoms. I stand up for the right and freedom to enjoy clean air. Those that choose to smoke should have the freedom and right to do so, however not in a manner that harms the general public.

Comments: It is such a welcome relief to go into DC establishments and 1) not have to breathe in smoke from others, and 2) not have my body and clothes smell like smoke. Let's follow in these examples being set by other cities.

Thank you,

Russell Kirsh



<colleenmatthews@gmail.com>

04/17/2007 01:23 PM

Please respond to
<colleenmatthews@gmail.com>

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>,
<timothylovain@aol.com>, <councilmangaines@aol.com>,
<council@krupicka.com>, <delpepper@aol.com>,

cc

bcc

Subject COA Contact Us: Smoke Free Alexandria

8
6-16-07

Time: [Tue Apr 17, 2007 13:23:48] IP Address: [151.207.246.4]

Response requested: []

First Name: Colleen
Last Name: Matthews
Street Address: 2114 N Early St
City: Alexandria
State: VA
Zip: 22302
Phone: 6094128157
Email Address: colleenmatthews@gmail.com
Subject: Smoke Free Alexandria

Comments: I am a nonsmoker and avid supporter of the city's plan to have smoke free restaurants. I was unable to attend the informational meeting but I think that the city's plans would promote a healthier community in Alexandria. I actively support the restaurants that are part of the Proud To Be Smokefree program and would support more restaurants in Alexandria if they were also smoke free. Thank you.
Colleen Matthews

8

6-16-07



<andrewarena@yahoo.com>

04/18/2007 10:24 AM

Please respond to
<andrewarena@yahoo.com>

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>,
<timothylovain@aol.com>, <councilmangaines@aol.com>,
<council@krupicka.com>, <delpepper@aol.com>,

cc

bcc

Subject COA Contact Us: I support to smoking ban

Time: [Wed Apr 18, 2007 10:24:27] IP Address: [151.207.246.4]

Response requested:

First Name: Andrew

Last Name: Arena

Street Address: 4412 Braddock Road

City: Alexandria

State: VA

Zip: 22312

Phone: 9143823690

Email Address: andrewarena@yahoo.com

Subject: I support to smoking ban

I support individual freedoms, and I feel everyone has the right to smoke if they so choose.

But I do not feel they have to right to impose the second hand smoke on everyone in public.

I see the issue much like noise. Blast your radio as loud as you want at home, but don't walk into a crowded public place creating a noise disturbance.

I do not smoke, I very much dislike the smell being stuck on my nice clothes, and the second hand irritates my nose and throat.

Comments:

Furthermore, I feel that second hand smoke is a health hazard, especially to young children whose parent should be able to bring their children out to eat or to other public venues without subjecting them to smoke.

I feel smoking should be banned in bars too, for the same health reasons. Owners will claim it hurts business, but tell them to speak with the proprietors in New York City or the District of Columbia, I don't see any bars going broke there.

Please ban smoking in closed public spaces.

Thank You,
Andrew O Arena

8

6-16-07



<viriniasmokers@aol.com>

04/18/2007 02:33 AM

Please respond to
<viriniasmokers@aol.com>

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>,
<timothylovain@aol.com>, <councilmangaines@aol.com>,
<council@krupicka.com>, <delpepper@aol.com>,

cc

bcc

Subject COA Contact Us: Alexandria Smoking Ban

Time: [Wed Apr 18, 2007 02:33:22] IP Address: [70.21.73.35]

Response requested:

First Name: Karyn
Last Name: Kimberling
Street Address: 4612 4th Rd. N.
City: Arlington
State: VA
Zip: 22203
Phone: 703-294-4846
Email Address: viriniasmokers@aol.com
Subject: Alexandria Smoking Ban
Gentlemen and Ladies,

My Association represents thousands of Virginian who are completely opposed to any smoking ban in Virginia. In all there are 18 associations or corporations who oppose smoking bans and defeated legislation in the General Assembly this year. You will find a list of them on my website: www.viriniasmokersalliance.com.

You will also find a lengthy powerpoint presentation which you can either download or read on the website.

There is no statistical evidence that second hand smoke causes any harm to nonsmokers. Regardless of what you have been told and by whom there is no hard evidence.

OSHA has never issued any regulations on second hand smoke because when they have tested the air quality indoors second hand smoke was 25,000 times lower than their standard.

The smoking ban in federal buildings was not debated in Congress, but was an Executive Order

signed by Bill Clinton. As you are well aware smoking is still allowed in the Capitol.

Comments: I will be at the your meeting to discuss the science beyond the myth that second hand smoke kills.

These tactics used by the ACS, AHA and ALA and Tobacco Free Kids are false and misleading and they are heavily subsidized by the Master Tobacco Settlement or the Robert Wood Johnson Foundation who stand to make billions of dollars of sales from smoking cessation devices, which with the exception of the pill are a direct delivery system of nicotine into the body. They have never been able to present one death certificate, which stated the person died from second hand smoke.

Their scientific claims are misleading, all the major studies published and peer reviewed for a medical journal have rarely exceed, one time to be exact, 2.0 (relative risk factor of 1.0, 95% level of confidence). These types of studies have a 3% to 14% margin of error depending on the sample size of the study. Therefore risk would only be proved if results were 3.0 or above.

I hope you will read my powerpoint presentation before your meeting on May 12 so you will be fully informed.



<mvelez@lat-intel.com>

06/04/2007 05:29 PM

Please respond to
<mvelez@lat-intel.com>

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>,
<timothylovain@aol.com>, <councilmangaines@aol.com>,
<council@krupicka.com>, <delpepper@aol.com>,

cc

bcc

Subject COA Contact Us: Reenactment Smoke-Free Restaurant Act

8

6-16-07

Time: [Mon Jun 04, 2007 17:29:36] IP Address: [68.50.211.247]

Response requested: []

First Name: Maria

Last Name: Velez de Berliner

Street Address: 5268 Colonel Johnson Lanel

City: Alexandria

State: VA

Zip: 22304

Phone: 703-751-7989

Email Address: mvelez@lat-intel.com

Subject: Reenactment Smoke-Free Restaurant Act

The harmful effects of second-hand smoking are well documented. There is no debate about them. As those responsible for the wellbeing of the community, I urge each and everyone of you to ban smoking as it appears on Act before you.

Those against will find what California found: patrons stay longer, even in bars, and spend more money. Workers's insurance costs less due to reduced claims. Maintenance costs. Bars, restaurants and hotels in California opposed the ban with all their might. Now they are against anyone who dares suggest a revision to the ban. And the state, in this case, the city will save millions of dollars.

Comments:

I and my family patronize only smoke-free restaurants. Many times we have driven from Alexandria to have that. If there is no smoking here, my money will stay in the community; it is a considerable amount that we spend on entertainment and eating out.

Thanks for your consideration.

Respectfully,

Maria Velez de Berliner

8

6-16-07



<celockwood@comcast.net>

04/20/2007 01:21 PM

Please respond to
<celockwood@comcast.net>

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>,
<timothylovain@aol.com>, <councilmangaines@aol.com>,
<council@krupicka.com>, <delpepper@aol.com>,

cc

bcc

Subject COA Contact Us: city smoking ban

Time: [Fri Apr 20, 2007 13:21:05] IP Address: [68.48.106.18]

Response requested: []

First Name: Cindy

Last Name: Lockwood

Street Address: 704 South Royal

City: Alexandria

State: VA

Zip: 22314

Phone: 7035487255

Email Address: celockwood@comcast.net

Subject: city smoking ban

I was so happy to read in The Gazette and The Washington Post about the Mayor and company's idea to have a smoking ban in restaurants that was tied to use permits issued by the city. I thought it was an innovative idea and I wasn't surprised that someone from Alexandria came up with it.

As a restaurant worker for many years, and knowing what I do now, I would not work for an establishment that allowed smoking. At my former workplace, The Blue Point Grill, I cannot tell you how many nights I went home smelling of smoke, or how many times my eyes started burning and tearing up because someone had a right to smoke. And those are what some would say minor annoyances! Cigarettes create second-hand smoke that cause hazardous working conditions. The employer should put the health of his customers and his employees above his perceived gain of pleasing the smoking guest. From the other side, as a guest in a restaurant, I was relieved to hear that we are considering a ban on smoking in Alexandria--now we can go out again to a bigger variety of places. My boyfriend refuses to go out where smoking is allowed because his asthma is triggered and he can't breathe and we have to go home early. Forget

Comments:

Southside, Chadwicks, Flying Fish, Vermillion, Pat Troy's, Landini's-- alot of good places that were off limits to us. I think all those Restaraunt Owners would be suprised at the different business they get if only they would go non-smoking. And smokers seem quite adaptable. If they have to go outside they will. Most of them wouldn't light up in their own houses! Do the Restaraunt Owners really believe the threats of the smokers? Do they really think they will drive over to Arlington to have a few drinks and risk a DUI when they can walk to their favorite place? Really?

Let's make the sensible choice and ban smoking in Alexandria businesses. I happily support the cause and would gladly help.



<cmichaels@alexchamber.com>

05/24/2007 02:35 PM

Please respond to
<cmichaels@alexchamber.com>

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>, <timothylovain@aol.com>, <councilmangaines@aol.com>, <council@krupicka.com>, <delpepper@aol.com>

cc

bcc

Subject COA Contact Us: Smoking Ban Testimony

8
6-16-07

Time: [Thu May 24, 2007 14:35:47] IP Address: [76.160.165.2]

Response requested: []

First Name: Christine
Last Name: Michaels
Street Address: Chamber of Commerce
City: Alexandria
State: VA
Zip: 22314
Phone: 703-549-1000
Email Address: cmichaels@alexchamber.com
Subject: Smoking Ban Testimony

Respectfully, we wished to make you aware of a position taken by our Chamber Board at its May meeting concerning the Smoking Ban SUP process. I am happy to speak with any of about questions or concerns. We have addressed only the process of the SUP, not the health aspects of the matter. Thank you!

ALEXANDRIA CHAMBER OF COMMERCE
Policy Position - 2007

Issue: City of Alexandria PROPOSED
SMOKE-FREE RESTAURANT ACT

Background: At the request of the Mayor and City Council, on February 24, 2007, the City Attorney issued a memo and draft text amendment to the Zoning Ordinance to ban smoking in Alexandria's bars and restaurants through the Special Use Permit (SUP) process. The proposed text amendment would cover all existing bars and restaurants (whether grandfathered or under an SUP) and all new bars and restaurants. All new bars and restaurants, and those existing bars and restaurants covered by an SUP, would be required to operate as smoke-free establishments as a condition of their SUP. Grandfathered bars

and restaurants would have to agree to operate as smoke-free establishments or lose their grandfathered status and become "nonconforming" and subject to a seven year abatement period.

On April 4, 2007, the Mayor, City Attorney and Acting Director of Planning and Zoning held a public meeting on the proposed smoking ban to obtain feedback from the business community, restaurateurs, and citizens regarding the proposed smoking ban. On April 4, 2007, the General Assembly failed to adopt the Governor's proposal to ban smoking in bars and restaurants throughout the Commonwealth of Virginia. On May 1, 2007, the Alexandria Planning Commission recommended approval of the proposed text amendment, as originally drafted with no revisions. The May 12, 2007 City Council public hearing on the proposed text amendment was deferred to the June 16th, 2007 public hearing.

Position: The Alexandria Chamber of Commerce does not support the use of the SUP process to ban smoking.

Comments:

The Alexandria Chamber of Commerce believes that:

- In a survey of Chamber members, although a vast majority of the respondents indicated that they are non-smokers, the overwhelming response was that members of the Chamber of Commerce do not support the use of the SUP process to regulate smoking in Alexandria.
- The Commonwealth of Virginia is a Dillon Rule state. Under the Dillon Rule, localities in Virginia can act only if the General Assembly has expressly conferred the power to act upon them by positive statutory grant or unless such authority is necessarily implied from any expressly granted powers. The City of Alexandria does not have the authority to ban smoking and will be in violation of the Dillon Rule if it adopts the proposed text amendment to do so.
- Any adoption of a text amendment by the City Council to ban smoking, outside the grant of authority or proper implementation by the General Assembly, will lead to costly litigation. Based on the outcome of recent litigation involving other attempts by the City to improperly expand its zoning authority, the City will lose any such litigation and will waste limited tax dollars that could otherwise be spent on more important City needs including education, safety, and economic development initiatives.

- The purpose of the SUP is to mitigate impacts of the use, not to regulate personal behavior. The current SUP process is already burdensome, overly restrictive and unpredictable. The SUP process places Alexandria at an economic disadvantage relative to other jurisdictions without such cumbersome restrictions on bars and restaurants. The SUP process needs to be improved, not further complicated by additional regulations associated with the proposed smoking ban.
- The City already has a very successful non-smoking initiative, "Proud to be Smoke Free," which has over 100 voluntary bar and restaurant participants. The City of Alexandria should focus on this initiative and consider providing economic incentives to promote smoke-free establishments instead of using regulatory disincentives to require such changes.

Approved by the Board of Directors: May 16, 2007

8
6-16-07



<mdrugay@msn.com>

06/12/2007 01:36 AM

Please respond to
<mdrugay@msn.com>

To <alexvamayor@aol.com>, <timothylovain@aol.com>, <councilmangaines@aol.com>, <council@krupicka.com>, <delpepper@aol.com>, <paulcsmedberg@aol.com>

cc

bcc

Subject COA Contact Us: SMOKE-FREE RESTAURANTS



Time: [Tue Jun 12, 2007 01:36:42] IP Address: [72.200.118.248]

Response requested: []

First Name: Margaret
Last Name: Drugay
Street Address: 610 N. West Street - #301
City: Alexandria
State: VA
Zip: 22314
Phone: 703.548.2495
Email Address: mdrugay@msn.com
Subject: SMOKE-FREE RESTAURANTS

Comments: Please vote in favor of making Alexandria restaurants SMOKE-FREE at the Council meeting on Saturday, June 16, 2007. The effects of second-hand smoke can be devastating, resulting in respiratory diseases, cardiac disease and even death. More and more people realize the effects of second hand smoke and don't want it to be part of their environment. As a health care professional I have cared for many patients and families burdened with respiratory ailments. I have lost a husband (who was not a smoker) to lung cancer. We need to stop this exposure to cigarette smoke now.

Thank you.

Dr. Margaret Drugay

8
6-16-07



<suyotoesq@hotmail.com>

06/05/2007 04:08 PM

Please respond to
<suyotoesq@hotmail.com>

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>, <timothylovain@aol.com>, <councilmangaines@aol.com>, <council@krupicka.com>, <delpepper@aol.com>

cc

bcc

Subject COA Contact Us: Smoking Ban



Time: [Tue Jun 05, 2007 16:08:27] IP Address: [66.7.4.10]

Response requested: []

First Name: Susan Yoder
Last Name: Torres
Street Address: 4823 Peacock Avenue
City: Alexandria
State: VA
Zip: 22304
Phone: 202-638-2241
Email Address: suyotoesq@hotmail.com
Subject: Smoking Ban

Comments: I support the proposed smoking ban without recent amendments. At a minimum, I encourage you to revive the language banning smoking within 20 feet of any entrance. The ban should apply to any sidewalk, patio, gazebo or grassy knoll within 20 feet from an entrance. Thank you for your interest in the health and comfort of Alexandria residents and employees.

Susan Yoder Torres
Alexandrian since 1964



<cookbj@georgetown.edu>

06/12/2007 09:08 AM

Please respond to
<cookbj@georgetown.edu>

To <alexvamayor@aol.com>, <timothylovain@aol.com>,
<councilmangaines@aol.com>, <council@krupicka.com>,
<delpepper@aol.com>, <paulcsmedberg@aol.com>,

cc

bcc

Subject COA Contact Us: Proposal to Make Alexandria Restaurants Smoke Free

8

6-16-07



Time: [Tue Jun 12, 2007 09:08:16] IP Address: [141.161.64.65]

Response requested:

First Name: Bernie
Last Name: Cook
Street Address: 811 S. Overlook Dr.
City: Alexandria
State: VA
Zip: 22305
Phone: 703.519.7046
Email Address: cookbj@georgetown.edu
Subject: Proposal to Make Alexandria Restaurants Smoke Free

Dear Council Members,

Comments: As an Alexandria resident, I write to indicate my strong support for the proposal to make restaurants in Alexandria smoke free. Thank you for considering this important public health issue.

Bernie Cook, PhD
Assistant Dean
Georgetown sUniversity

8
6-16-07



<mehul.p.vora@lmco.com>

06/12/2007 12:03 PM

Please respond to
<mehul.p.vora@lmco.com>

To <alexvamayor@aol.com>, <timothylovain@aol.com>, <councilmangaines@aol.com>, <council@krupicka.com>, <delpepper@aol.com>, <paulcsmedberg@aol.com>

cc

bcc

Subject COA Contact Us: Support Smoke-Free Restaurants



Time: [Tue Jun 12, 2007 12:03:25] IP Address: [192.35.35.35]

Response requested:

First Name: Mehul
Last Name: Vora
Street Address: 610 N. West St #201
City: Alexandria
State: Virginia
Zip: 22314
Phone: 7039283499
Email Address: mehul.p.vora@lmco.com
Subject: Support Smoke-Free Restaurants
Comments: The subject line says it all: I am in favor of smoke-free restaurants in Alexandria. I look forward to Alexandria catching up with other proactive, leading districts that have taken this obvious step for the benefit and health welfare of its citizens. Thank you.



<mcg.hcgk@verizon.net>

06/15/2007 03:49 PM

Please respond to
<mcg.hcgk@verizon.net>

To <alexvamayor@aol.com>, <timothylovain@aol.com>,
<councilmangaines@aol.com>, <council@krupicka.com>,
<delperpepper@aol.com>, <paulcsmedberg@aol.com>,

cc

bcc

Subject COA Contact Us: Smoke Free Restaurant SUP Ordinance

Time: [Fri Jun 15, 2007 15:49:53] IP Address: [70.21.64.120]

Response requested: []

First Name: Mary Catherine
Last Name: Gibbs
Street Address: 3655 Trinity Drive
City: Alexandria
State: VA
Zip: 22304
Phone: 703-933-1376
Email Address: mcg.hcgk@verizon.net
Subject: Smoke Free Restaurant SUP Ordinance

While I don't have any problem with the imposition of a smoking ban in restaurants as a general policy, and would ask my representatives to support it if it comes up again in the General Assembly, I think doing it through the zoning ordinance is bound to be overturned by the courts and will waste this City's money at a time when money remains tight. Why go to that extent when the City's own voluntary program has over 100 restaurants participating? Why go to that extent when, if the same health concerns and employee concerns are raised again in the General Assembly, there remains a possibility of passage statewide especially considering we have an election this year where every member of the General Assembly is up for election?

Comments: Specifically with regard to the imposition of this ban on existing restaurants, the Virginia Supreme Court just ruled that you can't use the zoning ordinance to impact a vested right. Restaurants in existence today under valid SUPs have a vested right and if you tell them that if they don't institute a smoking ban, they will then be forced to shut down in seven years, you are taking away their legal, vested right.

As many of you did, I grew up with smokers, and I know the health impacts. My father-in-law and my uncle both have lung cancer. I don't object to a general smoking ban if it's done through the General Assembly and affects every locality the same. I object to the City again using the Zoning Ordinance to impose policy, and not just because it's what I do for a living, but because I live here, too.

Just my thoughts, Mary Catherine

8

6-16-07



<j.dagle@gmail.com>

04/12/2007 10:52 AM

Please respond to
<j.dagle@gmail.com>

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>,
<timothylovain@aol.com>, <councilmangaines@aol.com>,
<council@krupicka.com>, <delpepper@aol.com>,

cc

bcc

Subject COA Contact Us: Smoking Ban for Restaurants

Time: [Thu Apr 12, 2007 10:52:08] IP Address: [132.79.7.16]

Response requested: []

First Name: Jonathan
Last Name: Dagle
Street Address: 417 N Peyton St
City: Alexandria
State: VA
Zip: 22314
Phone: 703-607-3048
Email Address: j.dagle@gmail.com
Subject: Smoking Ban for Restaurants

I want to express my support for a ban on restaurant smoking. I was alarmed by today's Washington Post story on the City's recent meeting on the proposal. I believe such a ban is in the best interests of Alexandria and its citizens. The loud objections at this recent meeting probably do not represent public sentiments, but rather a vocal minority.

Comments: As it stands, I have abandoned several King Street restaurants because of smoke. I once enjoyed Vermilion, but the smoky bar has sent me elsewhere. Several months ago I made a visit to a Capitol Hill bar and was shocked by how much more I enjoyed the experience without smoke. Frankly, since nearly all bars and restaurants in DC are non-smoking, Alexandria bars and restaurants have become less appealing. I appreciate the smoke free Alexandria businesses, especially newcomer Ovenwood, but this isn't the whole solution. The voluntary program's participants are not well known, while the status of DC businesses is easy to determine. Thus to many, the establishments of other jurisdictions will be more attractive than those in Alexandria.

Finally, I note that some exception which provides

for some places to remain smoke-permitted could be a positive rule. For example there is a cigar bar in DC which I have visited. A business like Murphy's might benefit from such an exemption. While there may be room for negotiation on the margins, the concept of a ban is a good one.

8
6-16-07



<hwgj1@msn.com>

04/12/2007 08:11 AM

Please respond to
<hwgj1@msn.com>

To <alexvamayor@aol.com>, <macdonaldcouncil@msn.com>, <timothylovain@aol.com>, <councilmangaines@aol.com>, <council@krupicka.com>, <delperpepper@aol.com>,

cc

bcc

Subject COA Contact Us: smoking bad



Time: [Thu Apr 12, 2007 08:11:36] IP Address: [72.66.32.87]

Response requested: []

First Name: harry
Last Name: gurkin
Street Address: 4208 S. 35th st.
City: arlington
State: va
Zip: 22206
Phone: 703 830-3456
Email Address: hwgj1@msn.com
Subject: smoking bad
Comments: Please ban smoking in all restaurents and public places. It is killing us!
Thank you!