

ALLEGHENY COUNTY COUNCIL

REGULAR MEETING

- - -

BEFORE:

John P. DeFazio	-	President, Council-At-Large
Nicholas Futules	-	Vice President, District 8 (Via telephone)
Samuel DeMarco, III	-	Council-At-Large
Thomas Baker	-	District 1
Cindy Kirk	-	District 2
Edward Kress	-	District 3
Patrick J. Catena	-	District 4
Sue Means	-	District 5
John F. Palmiere	-	District 6
Dr. Charles J. Martoni	-	District 8
Robert J. Macey	-	District 9
DeWitt Walton	-	District 10
Paul Klein	-	District 11
James Ellenbogen	-	District 12
Denise Ranalli-Russell	-	District 13

Allegheny County Courthouse
Fourth Floor, Gold Room
436 Grant Street
Pittsburgh, Pennsylvania 15219

Tuesday, March 7, 2017 - 5:04 p.m.

SARGENT'S COURT REPORTING SERVICE, INC.
429 Forbes Avenue, Suite 1300
Pittsburgh, PA 15219
(412) 232-3882 FAX (412) 471-8733

IN ATTENDANCE:

William McKain - County Manager
Jared Barker - Director of Legislative Services
Walter Szymanski - Budget Director
Jack Cambest - Solicitor
Andrew Szefi - Allegheny County Solicitor

PRESIDENT DEFAZIO: This meeting will come to order. Please rise for the Pledge of Allegiance to the Flag and remain standing for silent prayer or reflection. After me.

(Pledge of Allegiance.)

(Silent prayer or reflection.)

PRESIDENT DEFAZIO: Roll call?

MR. BARKER: Mr. Baker?

MR. BAKER: Here.

MR. BARKER: Mr. Catena?

MR. CATENA: Here.

MR. BARKER: Mr. DeMarco?

MR. DEMARCO: Here.

MR. BARKER: Mr. Ellenbogen?

MR. ELLENBOGEN: Here.

MR. BARKER: Mr. Futules?

MR. FUTULES: Here.

MR. BARKER: Ms. Kirk?

MS. KIRK: Here.

MR. BARKER: Mr. Klein?

MR. KLEIN: Here.

MR. BARKER: Mr. Kress?

(No response.)

MR. BARKER: Mr. Macey?

MR. MACEY: Here.

MR. BARKER: Mr. Martoni?

MR. MARTONI: Here.

MR. BARKER: Ms. Means?

MS. MEANS: Here.

MR. BARKER: Mr. Palmiere?

MR. PALMIERE: Here.

MR. BARKER: Ms. Ranalli-Russel?

MS. RANALLI-RUSSELL: Here.

MR. BARKER: Mr. Walton?

MR. WALTON: Present.

MR. BARKER: President DeFazio?

PRESIDENT DEFAZIO: Here.

MR. BARKER: We have 14 members present.

PRESIDENT DEFAZIO: Okay. What did you say ---?

MR. BARKER: I apologize. Mr. Kress is here, 15 members present.

PRESIDENT DEFAZIO: Okay. We're going to start with the second one. 10045-17.

MR. BARKER: That one and all the remainder are to be read into the record. Would you like me to do all of them at once or just the second one?

MR. KRESS: Just maybe present it, or ---?

PRESIDENT DEFAZIO: It's going to be read into record.

MR. KRESS: I'll do the first one, the proclamation.

PRESIDENT DEFAZIO: He'll do ---.

MR. BARKER: Okay. Good enough.

PRESIDENT DEFAZIO: Okay. 10044-17.

MR. BARKER: Certificates of Recognition honoring the 2017 Pittsburgh St. Patrick's Day Parade Committee and Grand Marshal, the Allegheny County AOH Hibernian of the Year, the Irish Society for Education and Charity and 2017 Miss Smiling Irish Eyes and her Court.

Sponsored by Council Members Kress, Baker, Catena, DeFazio, DeMarco, Ellenbogen, Futules, Kirk, Klein, Macey, Martoni, Means, Palmiere, Ranalli-Russel and Walton.

MR. KRESS: Okay. This is a great honor to be presenting this. We're going to try to do all the proclamations at one time. The first one we're going to do, though, I'm going to call up, is going to be the Saint Patrick's Day Parade Committee. Can they come up first? This guy here is a great guy. You might be here a while, though, if he's speaking. Is Pat Connolly --- Pat, come up here.

This Certificate of Recognition is awarded to the members of the 2017 Pittsburgh St. Patrick's Day Parade Committee for their work in organizing and carrying out Pittsburgh's annual St. Patrick's Day Parade. Since its inception, the St. Patrick's Day Parade Committee has been the driving force behind the annual parade, coordinating and managing all efforts in bringing the community together to ensure the success of this treasured event. The 2017 St. Patrick's Day Parade will feature nearly 200 marching band units, including bands, floats, several police, fire and emergency service agencies, along with many groups from Pittsburgh's Irish community.

Allegheny County Council commends the Pittsburgh St. Patrick's Day Parade Committee for their diligent efforts and dedication to making the annual parade an unmatched celebration of Irish heritage. It's sponsored

by myself and all of council. So thank you very much for all you're doing.

MR. GOODRICH: Thank you.

(Applause.)

MR. KRESS: This is Jack. Do you want to speak first? This is Jack Goodrich. We all know Jack Goodrich. He's a heck of a guy. Heck of a speaker, too, and heck of a character, so go ahead.

MR. GOODRICH: Well, on behalf of the Parade Committee, and I'm also talking about the Irish Society for Education because I'm an officer of that, it gives us great honor to be here again. The parade, for some of you that may not know, started in Pittsburgh in 1869. It had a little hiatus. If you look at the websites and talk about it, lately they've --- on the internet, they've come out and they rated the top ten parades in the United States of America. And lo and behold, what we always knew, Pittsburgh is number one. So that's very important to know.

(Applause.)

MR. GOODRICH: And not just because those that claim Irish heritage, because the Irish are a part of this community and this society in Pittsburgh. And everybody claims to be Irish on Saint Patrick's Day, which makes it so good. And over the years, the parade committee has strived very stringently and dedicated --- Pat Connolly what he's done down in Market Square and through the help of others, to make this a family event. It's not just about going out and celebrating your Irish. It's about celebrating Pittsburgh, the heritage of Pittsburgh and family. And anybody that knows anybody that's Irish knows that we're all about family, and Pittsburgh is our family.

So on behalf of the committee, on behalf of Saint --- the Irish Society for Education, I thank you. I look forward to seeing you all on Saturday, and hey, a little cold ain't going to hurt nobody, so thank you.

MR. KRESS: That was good.

(Applause.)

MR. KRESS: Okay. Now, we also have a proclamation here for Jan Griffin (sic); okay? Let me read this. This Certificate of Recognition is awarded to Ms. Jan Griffin upon her selection as Grand Marshal of the 2017 Pittsburgh St. Patrick's Day Parade. Ms. Griffin has been a member of the parade committee since 1992, and has served in many capacities prior to her current role as

Organizer. In that role, she is responsible for managing 23,000 participants.

Throughout the year, she is involved in other Irish heritage activities that include serving as a staff member with the Pittsburgh Irish Festival, where she serves as coordinator of the Irish Dog exhibit. She has served as a volunteer, managing vendors and Irish groups for the annual Irish Day at South Park, and she has managed vendors at the National AOH/LAOH convention.

From 2002 to 2004, Ms. Griffith was President of the Western Chapter of the Irish American Unity Conference, IAUC. Jan, whose maiden name is Allen, traces her ancestry, Driscoll, family roots to County Cork. Allegheny County Council commends Ms. Griffith for her passion and dedication to both Pittsburgh's Irish community and to its St. Patrick's Day Parade. We congratulate Ms. Griffin (sic) upon receiving this honor and thank her for her numerous and immeasurable contributions. Again, on behalf of the Allegheny County Council. Thank you very much. Do you want to say something?

MS. GRIFFITH: Yes.

MR. KRESS: Okay. Go ahead.

MS. GRIFFITH: I just want to say thank you. I'm very humbled by all of this. I'm very honored, and I think we should all be very, very proud that our parade has become a destination parade now. We have people, watch the Facebook pages, people who come in from other cities or come back to their hometown just for this weekend, and we have really grown exponentially over the years. And I think they're right, we're the best. Thank you.

MR. KRESS: Okay. Now, we have the Miss Smiling Irish Eyes. Okay. Now, we have Miss Smiling Irish Eyes of Pittsburgh. Now, let's see here. So I guess, is it Sydney Diulus?

MS. DIULUS: Diulus (corrects pronunciation).

MR. KRESS: Diulus. Okay. It's a great honor. So okay, this Certificate of Recognition is awarded to Ms. Sydney Diulus in honor of being named the 2017 Miss Smiling Irish Eyes Queen of Pittsburgh. Ms. Diulus exhibits distinguished Irish qualities and displays her pride for her Irish heritage by participating in Pittsburgh's vibrant Irish community. Sydney is a senior at Duquesne University --- I went there for law school ---

where she is a biology and pre-med major and Dean's list student. She has studied abroad at the University College of Dublin, and is an honors graduate of Montour High School.

Sydney has been an active member of National Service Sorority Gamma Sigma Sigma, and Duquesne University's Pre-Med Student Organization. She has volunteered at Camp Erin Children's Grief Camp, Children's Institute, and UPMC Mercy Hospital. Sydney is a member of the Ladies Ancient Order of Hibernians, Division 23. By being crowned Miss Smiling Eyes --- excuse me, Miss Smiling Irish Eyes Queen of Pittsburgh, Ms. Diulus will reign over Pittsburgh's 2017 St. Patrick's Day Parade. We congratulate you on this fine honor and wish her the best of luck in all of her future endeavors. Again, sponsored by the Allegheny County Council.

(Applause.)

MR. KIRK: Would you like to say something? Go ahead.

MS. DIULUS: I just want to say thank you to the county and also, again, thank you to the Committee for selecting me for such a great honor. I'm just very excited for the parade and for the rest of the week and it's something that I'll remember forever.

(Applause.)

MR. KIRK: All right. Thank you very much. And then we have Colleen Marie Bench. All right. This Certificate of Recognition is awarded to Ms. Colleen Marie Bench in honor of being named a 2017 Miss Smiling Irish Eyes of Pittsburgh Court Maiden. Colleen is a freshman at Penn State University where she majors in kinesiology. Did I pronounce that right?

MS. BENCH: Kinesiology (changes pronunciation).

MR. KRESS: Kinesiology. Okay. She has served as an Extraordinary Minister of Holy Communion and a member of Kinesiology Club, and a member of the Dancer Relations Committee of THON, Pittsburgh's dance marathon that raises funds for children with cancer. A graduate of Seton La Salle Catholic High School, she was a member of the National Honor Society; the National English Honor Society; the Westinghouse Science Honors Institute; marching band; lacrosse team; golf team; the Liturgy Choir; Rebels for Life --- I know. Is this a lot? Wow, what have you been doing? And Drama Club cast member.

She has been active in competitive Irish dancing, first with the Bell School of Irish Dance, and now as a member of the Irish dance club Rince ---.

MS. BENCH: Rince na Leon.

MR. KRESS: Okay. That's good. At Penn State. Ms. Bench demonstrates an outstanding moral spirit by volunteering within organizations that benefit our community. We congratulate Ms. Bench on this fine honor and wish her the best of luck in all of her future endeavors, on behalf of the Allegheny County Council. Would you like to say some words?

MS. BENCH: Sure.

MR. KRESS: Okay.

MS. BENCH: I would also like to thank the council and the committee for giving me this amazing opportunity. I'm so blessed to be in this position and to celebrate my Irish heritage in this way. Thank you.

MR. KRESS: No, no, really thank you for all you're doing. Okay. Now we have Megan Rohde. Did I pronounce that right?

MS. ROHDE: Rohde (changes pronunciation).

MR. KRESS: Rohde, Rohde (corrects pronunciation). Okay. This Certificate of Recognition is awarded to Ms. Megan Rohde in honor of being named a 2017 Miss Smiling Irish Eyes of Pittsburgh Court Maiden. Ms. Rohde exhibits distinguished Irish qualities and displays pride for her Irish heritage by participating in Pittsburgh's vibrant Irish community.

Megan is a senior at Steel Valley High School and plans to attend Penn State University's Behrend Campus in the Fall, where she will major in Plastics Engineering Technology. I have to say all you girls are so intelligent. Wow. She is a member of the National Honor Society and earned High Honors throughout high school. She has been a member of the varsity swim team, Students Against Destructive Decisions, The Future is Mine, the French Club and the History Club.

She has also volunteered at a local cancer center, tutored elementary school students. She studied the bagpipe with the Balmoral School of Pipes and Drums. She has taken piano lessons and is trained and certified in CPR as a lifeguard. Ms. Rohde demonstrates an outstanding moral spirit by volunteering within organizations that benefit our community. We congratulate Ms. Rohde on this fine honor and wish her the best of luck

in all of her future endeavors. And again, on behalf of Allegheny County Council.

MS. ROHDE: Thank you.

MR. KRESS: No, thank you. Go ahead.

MS. ROHDE: I would just like to thank everyone, the council and the committee for giving me such an honor to be able to be a part of this experience, and I couldn't imagine spending my week any other way. Thank you.

MR. KRESS: I was wondering. I have a question, because did you want to just take a picture of everybody at the end or did you want to just take the court separately? Any thoughts on that?

PRESIDENT DEFAZIO: You guys could all come up front. Take them all up and take a picture.

MR. KRESS: At the end you want to do it? What's ---? You want to do both? Here, just come out here.

PRESIDENT DEFAZIO: Everybody that's involved wants to come up, take one picture.

MR. KRESS: Well, no, we're not done yet. We have more people. We've got a couple more proclamations.

PRESIDENT DEFAZIO: Okay.

(Pictures taken.)

MR. KRESS: Well, we can do --- what do you want me to do next? We can have the Irish Society.

MR. GOODRICH: We already did Irish. I combined those.

MR. KRESS: Oh, okay.

MR. GOODRICH: To save time, I said I'll do it for both of us so we don't have to do that again. Make sure you get them --- Denny?

MR. KRESS: Denny Maher, 2000 ---. What's the name again?

MR. MAHER: Maher (changes pronunciation).

MR. KRESS: Maher, Maher, Denny Maher. Is that good?

MR. MAHER: Yep.

MR. KRESS: 2017 Allegheny County AOH Hiberian (sic) of the year.

MR. MAHER: Hibernian.

MR. KRESS: Hibernian. Oh, you guys are going to kill me. You're not going to get me back next year. Oh, my Lord. I see Mike McGeever is having a good time. And I was going to do leprechaun jokes.

This Certificate of Recognition is awarded to Denny Maher.

MR. MAHER: Maher (corrects pronunciation).

MR. KRESS: Maher (changes pronunciation), upon his selection as Allegheny County's Ancient Order of Hiberians --- Hibernians, Hibernians --- all right. You're into --- a secret, I'm really not Irish. Okay? I apologize. I'm just being honest. I'm an honest politician. Okay.

Mr. Maher --- Maher, you know I've had a long day, you don't know what I've been through --- is the immediate Past President of AOH Division 32 Sean MacBride Chapter, Carnegie, Pennsylvania. His tireless efforts to better others and his unmatched dedication to the Irish Community and to Allegheny County as a whole, exemplify the characteristics sought after in Allegheny County's Hibernian of the Year. Did I get that right? Okay. Good.

Allegheny County Council congratulates Mr. Maher for the monumental honor bestowed upon him and thanks him for all of his contributions to our community. Again, Allegheny County Council are giving this great honor and thank you for all that you've done. Thank you. And go ahead. You can have some words here, please.

MR. MAHER: The name is Maher, M-A-H-E-R.

PRESIDENT DEFAZIO: You sure you got that right?

MR. MAHER: I got it right. I want to --- that the County Council for bestowing this upon me, and I'm very honored to have it, and I hope everybody comes to the parade on Saturday and sees us on. Thank you very much.

(Applause.)

MR. MAHER: No, thank you. Okay. We had the proclamation. Okay. Do you want me to read this one, too? I'll do this one, just to --- okay. We also have the Irish Society for Education Charity, Incorporated. This Certificate of Recognition is awarded to The Irish Society for Education and Charity, Incorporated for its dedication to the members of Pittsburgh's Irish community and to the Pittsburgh St. Patrick's Day Parade.

Since 1992 the ISEC has provided sponsorship, leadership and guidance to the Pittsburgh St. Patrick's Day Parade Committee in its efforts to organize and execute what has been referred to the nation's second largest St. Patrick's Day Parade. The organization also supports Pittsburgh's Irish community by awarding

scholarships to local Irish students and by making donations to area groups and causes. Allegheny County Council commends the Irish Society for Education and Charity for their passionate and tireless efforts to support Pittsburgh's Irish community and thanks them for all of their numerous contributions. Again, on behalf of all of Allegheny County Council, so thank you.

(Applause.)

MR. GOODRICH: Everyone on the Committee, ladies, sir?

(Pictures taken.)

PRESIDENT DEFAZIO: Okay. 10045-17, and the rest will be read into the record.

MR. BARKER: 10045-17. A proclamation naming the month of March 2017 to be, Women's History Month, in Allegheny County. Sponsored by Council Members Kirk, Means, Ranalli-Russel, Baker, Catena, DeFazio, DeMarco, Ellenbogen, Futules, Klein, Kress, Macey, Martoni and Palmiere.

10046-17. A proclamation recognizing Lydia Music Center and world-class cellist Adam Liu for hosting the inaugural East Meets West concert at Duquesne University on February 28, 2017. Sponsored by Council Member Kirk.

10047-17. A proclamation congratulating the Pleasant Hills Volunteer Fire Company upon the occasion of its 80th anniversary. Sponsored by Council Member Palmiere.

10048-17. A certificate of Achievement awarded to Christopher Matthew Lisle, Jr. of Boy Scout Troop 23 for earning the rank of Eagle Scout. Sponsored by Council Member Palmiere.

10049-17. A certificate of Recognition congratulating Mr. Robert Katelan upon the occasion of his 95th birthday. Sponsored by Council Member Palmiere.

10050-17. A certificate of Recognition presented to Mr. and Mrs. Charles Marwood upon the occasion of their 65th wedding anniversary. Sponsored by Council Member Palmiere.

10051-17. A proclamation recognizing the Focus on Renewal ceremony honoring all Sto-Rox female veterans on March 10th, 2017. Sponsored by Council Member Catena.

PRESIDENT DEFAZIO: Public comment. Jared, do you have the list? Do you want to just read the list from there?

MR. BAKER: I do.

PRESIDENT DEFAZIO: Go ahead.

MR. BAKER: First up will be Bill Godshall. Apparently, he's not here. Second up would be Brian Primack.

MR. PRIMACK: Hi. I just start whenever? Okay. All right. Thank you very much. I appreciate this opportunity. I am a Board Certified family physician and a full professor of medicine at the University of Pittsburgh. I'm also a researcher, and my major area of research is tobacco products and tobacco control. I think that we need to pass this legislation for many reasons, but in the interest of time, I'm going to focus on just two.

So the first is that we absolutely know that toxins come out of these implements, the same toxins that come out of cigarettes. These are formaldehyde, acetaldehyde, diacetyl, other carcinogens, carbon monoxide. The only thing --- and we also know that these chemicals do get into bystanders. You know, this is something that we just know from research. They are detectable in the blood of people. So secondhand smoke is real with regard to these implements.

The only thing that we don't know is exact amounts, and that's why you hear so many different estimates, some people saying there's as much formaldehyde as a cigarette, which one study did show. And then other people saying it's a tenth of a cigarette, which another study did show.

The reason why we see so many different estimates is because it depends on so many things like how hot it burns. But when you're sitting next to somebody at a restaurant or your child is sitting next to somebody in a waiting room somewhere, you don't know what kind of implement they have. So at this point, we need to make sure that we protect everybody, not just from cigarette smoke, but from this smoke that has some of those same toxicants.

The second thing that I wanted to mention is that by allowing e-cigarette use where cigarettes are not allowed, it sends the message that this is a safe alternative to cigarette smoking. And what this ends up doing is having a lot of young people with misconceptions, and those misconceptions have already led to hundreds of thousands of young people to start using e-cigarettes, who

say that they never would have used cigarettes. And guess what? Our research shows that around 40 percent of them transition to cigarettes, because they're sort of a perfect starter cigarette; aren't they? They're flavored, they're easy to use, they addict somebody to nicotine.

So the bottom line is that this legislation is very, very well crafted, because it is not interfering with anybody's rights. People that want to use these implements still can obtain them, they still can use them in their own space. They simply can't expose your kids and you to them in the general public. Thank you.

MR. BAKER: Richard Marino?

MR. MARINO: I want to thank everybody for their patience. Council has been tremendously patient on the hearings and all the information we've had, but I'm here to urge you guys to reject the proposed ban on electronic cigarettes. I was going to go through the facts with you, the things that we do know for sure.

Number one, there's no evidence that secondhand vapor causes harm to anyone. If the Board had hard evidence, they would have presented it by now and they have not.

Electronic cigarettes --- number two, electronic cigarettes are 95 percent less harmful than regular cigarettes.

Number three, the proposed ban is an infringement upon business owners' private property rights.

Number four, people who use electronic cigarettes are not smokers and should not be considered smokers.

Number five, the CDC reports that over 480,000 people are going to die from cigarettes this year. That's a fact. That's more than 1,000 a day.

Number six, the CDC also reports that smoking combustible cigarettes is at an all-time low because of electronic cigarettes.

Number seven, nicotine does not cause cancer. It's the tar or the soot that comes off of a cigarette that causes cancer.

Number eight, new federal regulations prohibit the sale of electronic cigarettes to minors under the age of 18. They're not marketed to minors, period.

The Board of Health --- number nine, the Board of Health received --- in the public comment period,

received 800 comments against the ban and only 30 comments for the ban, but they proceeded to go with it anyhow. And finally, the one thing I do agree with you on is that there's nothing as good as fresh air like --- things like cleaning products, coffee, perfume, air fresheners, car exhausts. I don't like the smell of coffee, and caffeine is addictive, but we don't ban drinking coffee in public and private places.

Much of the rhetoric used by activists and regulators to justify poor and excessive regulation have been based on an emotional appeal to protect our children. Nobody here wants to hurt children, exactly the opposite. The data shows that smoking among children is at an all-time low and electronic usage among children has declined over the past two years. And those are the facts according to Monitoring the Future Study from the University of Michigan.

Let's focus on the real problem which are the industries that are threatened by electronic cigarettes. They spend millions of dollars in propaganda campaigns to protect their interests. Companies like Philip Morris, RJ Reynolds, companies like Pfizer that makes Chantix and Glaxo Smith Kline. But worst of all UPMC and Highmark, who have invested hundreds of millions of dollars in cancer treatment centers. Again, I would urge you guys to reject the proposal. Thank you.

MR. BARKER: Michelle Hall?

MS. HALL: Here I am again. Good evening. I am Michelle Hall. I'm happy to take this opportunity to speak to all of you one final time. I know I have spoken before against this indoor vaping ban, and you are probably thinking what else can she have to say? Well, I thought it was about time that I told you my story as the spouse of a smoker, not only a vape shop owner and business owner in the City of Pittsburgh.

I have been married to my husband for 15 years. I am not a smoker. I have never been. I hate the smell of smoke. I can taste it, smell it on my clothes and in my hair. No matter how many times my husband would go outside to smoke, he would inevitably smell of smoke when he came in. It would be on his clothes and coming in through the windows in the summertime.

Buddy, like many other smokers, would try to hide his habit from me. I would ask him how many packs a day he would smoke, and he would lie and say probably

about a pack. It wasn't until he quit that I learned the whole truth. He was up to two and a half packs a day. I knew he was smoking more as the coughing was getting worse. He would be out of breath on short walks. His migraines were more frequent.

He tried to quit smoking many times. He tried the patch. He tried cold turkey. He would quit for a few months and then I would smell it on him again. I was becoming increasingly frustrated and worried about his health.

As I have told the story, one day at a picnic in South Park, a husband of one of my employees had been in the hospital and started vaping. He had his e-cigarette at the picnic and invited my husband to try it. All it took was that one draw on the e-cigarette, and he knew it was going to work. That night, he went online and purchased his first kit.

That was the glorious start to his feeling better, healthier, no more migraines and immediately able to taste food again and walk without having to struggle to breathe. I was amazed at all the tar that he would cough up out of his lungs. If this worked for him after 40 years of smoking, it would work for others. And he knew it, so much so that he gave up a very successful business as a music producer and studio owner, to open the vape shop. I couldn't have been more happy. That was probably one of the best decisions we've ever made.

We are so happy to say that Buddy's story is one of thousands. We hear it every day. So many people will hug us and tell us how vaping has saved their lives. People would actually bring in friends and family and say, with tears in their eyes, meet Buddy, he saved my life. Vapers take every opportunity possible to convert smokers to vaping. No one wants to smoke. No one wants to die needlessly from lung cancer and put their loved ones through the painful process of watching them struggle to breathe.

Please do not take away those precious opportunities in public places for vapers to share their success stories with smokers. Please do not take away their right to vape indoors, and force them outdoors with the smokers, subjecting them to the very smoke they fought so hard to get away from. I have often described how senseless it is to make a vaper take the 15 minutes they need to go outside of an office building downtown, to take

two puffs on an e-cigarette, when it would only take five seconds if they were allowed to vape indoors.

They can use vaping etiquette and be discrete. Let the choice be up to the business owners if they want their employees wasting precious work time to go outside to vape, rather than stay at their desks. Please continue to read the rest of my statement because I do address the minors in the vape shops. Thank you.

(Applause.)

MR. BARKER: Mike Connell?

MR. CONNELL: How are you doing? My name is Mike Connell. I am a lifelong resident of Allegheny County. I was raised in Greenfield. Lived there until about six years ago. I moved to Mount Lebanon. For the last 12 years I've worked for the UPMC Health Plan and I was hired as a health coach 12 years ago.

What I did was I helped people lose weight, quit smoking, be more physically active, manage stress, eat better, whatever they wanted to do. And for the last six years I've been training health coaches. But I come to you as a private citizen to talk about the Pennsylvania Clean Indoor Air Act, and I feel that the Clean Indoor Air Act has made everyday life in Pennsylvania so much more enjoyable.

I can go out in public. I can go to restaurants, grocery stores, bars and not have my lungs, sinuses and eyes irritated by smoke. Now I don't have asthma or COPD. I don't --- I'm not talking about the health effects. What I'm really talking about is quality of life. Okay? That is a danger for some people. It's not for me. Cigarette smoke makes you stink. It ruins the interior of your car. It ruins clothing. It ruins soft items in your home. It's difficult to smell things if you're a smoker. If you just peruse Craigslist, you'll see things are more valuable if somebody was not a smoker. So I consider the Pennsylvania Clean Indoor Air Act a major leap forward in terms of quality of life for all Pennsylvanians. Okay.

E-cigarettes stink. The best way I can describe it is they smell like a car radiator that's gone bad. Now, sometimes, they don't stink so bad because they have flavors added to them, like bubble gum, which could be described as juvenile, at best, which tells you that the industry itself is aiming for children, and now I'm a father. One of the things that bothers me is the idea

that smoking indoors with e-cigarettes will be seen as normal, the way smoking used to be normal around nonsmokers.

Now most people who use e-cigarettes, and most --- just like most smokers, are very courteous and contentious. But in a public place, it really only takes one person to ruin the air for everyone. Here's another point. A lot of people talk about freedom. They are free to do this at home. They're free to do it outdoors away from other people. Okay? We have lots of things that are legal. E-cigarettes are legal. I would not call for them to be illegal. But we have things like public drunkenness and even in places like Colorado, marijuana is legal. You're not allowed to smoke it outdoors on the street. You can't sell it between 12:00 and 8:00. So things that are legal could be zoned, so to speak. So I would ask the County Council, please consider that people who are nonsmokers, the majority of us, do not want to be around this in public places. Thank you very much.

MR. BARKER: Heather Hopson?

MS. HOPOSON: Good evening. My name is Heather Hopson and I am the communications director at Allies for Children, a child advocacy organization based in Pittsburgh. I am also a breastfeeding advocate and a mother of a five year old little girl. I want to start by saying that although I am anti e-cigarettes, I am not fighting against e-cigarette smokers.

I totally understand that many in the vaping community turn to e-cigarettes as a means to quit smoking. Perhaps they tried the patch, nicotine gum, quitting cold turkey, or cessation programs and in the end, they still smoked. Then they found something that provided a nicotine fix without smoking tobacco, e-cigarettes. I applaud their efforts of anyone who tries to improve their health and overcome a potential addiction.

But what I do not support is exposing children like my little girl, to e-cigarettes, or even attracting teens like my nephew with flavors like bubble gum, and cotton candy, which as you know, kids crave. According to the US Surgeon General, these chemicals are harmful, or potentially harmful ingredients, including ultrafine particles that can be inhaled deep into the lungs, flavorants such as diacetyl, a chemical linked to serious lung disease, volatile organic compounds, heavy metals such as nickel, tin and lead.

As a mom, I'm tasked with protecting my child and ensuring she is happy and healthy. So therefore, I do not want her to come into contact with all of the above. And as our county leaders, you are tasked with making the best decision for the people you serve. So I ask that you vote for --- to support the legislation brought forth by the Health Department, which in my opinion, as a mother and voter, is the best decision for kids across the county. Thank you.

MR. BARKER: Erika Fricke?

MS. FRICKE: Hi there. My name is Erika Fricke and I'm also with Allies for Children, and I appreciate the opportunity to speak with you tonight. We're a local nonprofit that looks at policy through a children's lens, so obviously that's how we're really thinking about this issue.

And so I've listened to many conversations here with that frame in mind, and what's been interesting to me is how often that both sides have really agreed about the fundamental issues. Both sides agree that for people who are addicted to smoking, e-cigarettes are better than traditional cigarettes. Both sides agree that e-cigarettes do emit nicotine that gets left on surfaces, and e-cigarettes do expose bystanders to e-cigarette emissions. They just disagree about how worried we need to be about that.

Most importantly, most sides agree that allowing e-cigarette use indoors, in places where traditional cigarettes are currently not allowed to be smoked, will normalize them, is the word. E-cigarettes will appear safe, harmless, normal. The public health experts have said this. Dr. Primack said it today. Dr. Liz Miller talked about it. They researched adolescents, and so they've been paying close attention to how adolescents see e-cigarette use.

But the opponents of the regulations are the ones who have really said it even more often. They've talked about wanting to feel proud to vape, expressing they don't want to feel ashamed, on the fringe, that this regulation will demonize vaping. It's pretty clear that all of these testifiers are saying they don't want regulations on e-cigarettes because they want e-cigarettes to seem safe and normal. But for children, these are not safe. And really, for nonsmokers, people who aren't already addicted to nicotine.

The e-cigarette industry --- and I don't know who it was who paid the lobbyist to fly 1,000 miles to come present before the committee, but what he said was that --- and I thought it was really interesting, because we've heard about all the health benefits. He said that vaping is not as pleasurable as smoking. I was so interested, I wrote it down. It's not as pleasurable as smoking, so we need incentives.

So I mean, what I heard is opponents want to normalize e-cigarette use because they want to incentivize people using tobacco by vaping. And as a child health advocate, that makes me very, very concerned. I am saddened for all the adults who are longtime nicotine addicts. And I'm really, really happy that there is an option for them that's less harmful, but I don't think we can normalize and incentivize e-cigarette use for adults without doing the same thing for children.

Nicotine is addictive. E-cigarettes are addictive. None of the people who have spoken have talked about quitting vaping. They've just talked about becoming long-term, lifelong vapers. So from my perspective as a child health advocate, the question before County Council is, are we going to protect the public health gains we've made when it comes to tobacco or are we going to really make it possible to have an entire new generation of tobacco addicts?

MR. BARKER: Lissa Geiger Shulman?

MS. SHULMAN: Hello, my name is Lissa Geiger Shulman and I'm the public policy director for the Pittsburgh Association for the Education of Young Children, known as PAEYC. PAEYC is a nonprofit organization based in Allegheny County that works across Southwestern Pennsylvania to support high quality care and education for all young children. PAEYC does this by providing professional development community resources, and most importantly, advocacy for the needs and rights of children, their families and the individuals who interact with them.

As the voice for early childhood in our region, we have significant concerns about the indoor use of electronic cigarettes, and stand in support of an ordinance restricting their use, just like the Clean Indoor Air Act currently restricts similar products. The research is clear that e-cigarettes create risks for the health of our children through exposure to aerosol vapors, which may

include secondhand nicotine along with a whole host of unregulated chemicals. Many of these chemicals are toxic and even carcinogenic.

Most concerning to us, as an early learning organization, is the effects of these toxins on the brain. Because the lung is a vascular organ, chemical particles entering the lungs travel through the bloodstream directly to the brain and other vital organs. Experts in early childhood development know that young children are experiencing rapid brain development with over 700 neural connections being made every second in the brain of a young child. Our role as adults is to ensure that the brain architecture develops positively.

Sound childhood health provides the necessary foundation for building sturdy brain architecture as well as a broad range of cognitive, social and emotional skills. While more research is needed on many of these chemicals, we do know that detrimental health effects can be one contributor to what's known as toxic stress. This toxic stress in early childhood is associated with persistent effects on the nervous system and stress hormone systems that can develop brain architecture and lead to lifelong problems in learning, behavior, physical and mental health.

In addition to the direct health impacts of e-cigarettes, we're very concerned about the impression made on young children exposed to seeing e-cigarettes in public places. Again, neuroscience tells us that children's brains are built on serve and return interactions with adults and caregivers. These interactions can be impeded by the adult use of e-cigarettes while interacting with children. In other cases, these impressions left by the normalization of the use of these devices can influence the behavior of a child as he or she matures.

I also want to speak, just for a moment, about the NAEYC Code of Ethics that PAECY uses to guide our behavior. Our code states that when we, as early childhood educators, become aware of a practice or a situation that endangers the health, safety or wellbeing of children, we have an ethical responsibility to protect children or inform others like you who can. I urge you to pass the ordinance. Thank you.

MR. BARKER: Eleanora Kaloyeropoulou?

MS. KALOYEROPOULOU: Good evening. I'm so excited to be here tonight and you said my name so well.

MR. BARKER: Thank you.

MS. KALOYEROPOULOU: My name is Eleanora Kaloyeropoulou. I'm 23 years old, a lifelong City of Pittsburgh resident and a recent graduate of the University of Pittsburgh. But most importantly, I love this community. I fell in love with Pittsburgh when I was in sixth grade and joined my school's cross country team. For seven years, every day before and after school, my teammates and I took to the streets of Pittsburgh and got to enjoy the city's neighborhoods. We learned every crack on the sidewalk, every lawn gnome and every stained glass window of someone's home. And some days, we literally stopped and smelled the flowers in someone's yard.

But seeing all of those homes really made me understand, like arts, and neighborhoods and our city's diversity and really helped me grow to love our community. But when I got to college, I had to stop running cross country and I lost that connection to our larger community. And I had to stop because that whole time I had a chronic cough. I coughed every single day, morning and night, because of the air pollution in our city. My cough was so unbearable, I couldn't sleep. All day long, my classmates would complain that my coughing was keeping them from concentrating.

And so I had to make a choice, and I chose to stay inside. Now I run on treadmills, and generally, I spend my days indoors. And for me, for children with asthma in our communities, for the elderly with respiratory problems, indoors are where we can be sure that our health is going to remain intact. So I implore you, help me help the community in making sure that just by going to a restaurant, someone's e-cigarette isn't going to trigger coughing in me that's going to last for three or four days. Please help make sure that our city, our county, remains a place that our city and our county residents can truly call home. Thank you.

MR. BARKER: Patrick Dowd?

MR. DOWD: Thanks, everybody. Thanks for the opportunity to be here again. I just --- I want to start off by thanking you. This has been, I think, an appropriate long process. The Health Department considered this ordinance and proposed it to their Board, and it was supported by that Board and brought here for

your consideration. And you've spent a tremendous amount of time here in these rooms, and on phones, and meeting with all of us and listening to each and every one of us.

You've been bombarded with e-mails. You've received phone calls. You've gotten information. There's been probably more data on this than you get on most pieces of legislation that you consider, and I'm just grateful. I want to say thank you for the time and the deliberation that you're providing this.

You've heard from vape shop owners, and from those who use the devices, and they've spoken passionately about why they care about this. For those of us who are in support of this ordinance, you've heard from a wide variety of folks. You've heard from physicians of all sorts and medical professionals of all sorts. You've heard from advocates. You've heard from those who are focused on children and those who are just focused, in general, on clean air. You've heard a variety of perspectives and we know that you're considering them carefully.

Of all those folks, though, the thing --- the two main pieces of information, sort of from these different angles, come to two main points; right? And you've heard it a couple of different times from everybody, this idea of involuntary. This is about clean indoor air ultimately, and what we all believe we have a right to. And we believe, like you, that we should not be exposed involuntarily to these sorts of chemicals and these sorts of devices and their byproducts.

But most importantly --- and here at Allies for Children, we focus on children. That's what we think is important. Our children should not be exposed unnecessarily. They're not adults in a restaurant and can't go and ask people to stop doing that. They're not adults at a baseball stadium or wherever this might happen, and they're not in a position where they can ask adults to stop doing that, most often.

The second part --- and I just want to say, too, that this has to do with adults. It has to do with young people. We're not asking that you ban the use of these devices, we're just talking about in public accommodations. The second part is really most important, too, and that has to do with the use among young people. It is a rapid growing rate of use among young people. All the data indicates that no study has said that the use

among young people is declining or that it's staying flat. It is, in fact, growing.

And the normalization of these e-cigarettes in public accommodations would be a serious, serious concern, as far as creating long-term another generation of use for these devices. And people have talked in this room about folks that they know who have died from lung cancer. I too know people; right? I know my father, and my grandmother, my mother-in-law, my best friend's mom. We all have those stories. And we don't --- it would be great if they would convert to a less harmful device, but what we all genuinely wish is that those folks would have grown up in a time when it was not, in fact, normalized as it was decades ago. Thank you.

MR. BARKER: Tracy Rapport?

MS. RAPPORT: Hi. Thank you for letting me speak today. I had written something and I just --- I feel like maybe most of you have already made up your mind. I smoked for 15 years and tried everything. I tried Chantix, tried the patch. I was not able to quit. In fact, I quit for a year and then started again. It was that easy for me. I listen to people that say that they work with kids and they're fighting for kids. I worked with kids my whole life. I was a sixth grade science teacher and until I had kids, I worked with kids. I feel very strongly about protecting kids and that's why I feel like vaping is a solution for parents that are struggling to quit smoking.

To see that it's lumped in with cigarettes, and to see people that have switched to vaping get pushed into smoking sections, to me, it shows that you don't care that they switched and you don't care about their health. It's the same as pushing a nonsmoker into a smoking section. The idea about flavors, most adults chew gum. So the notion that these flavors are only there to entice children is completely false. A lot of people that switch used menthol, which is the same as mint.

So this pushing --- the children, the children --- if a parent smokes a cigarette outside, and walks inside and picks up their child, their child is breathing in all of the carcinogens that are stuck in their throat or in their clothing. When they're exhaling, they're breathing in the leftover carcinogens from the cigarette they may have had an hour ago.

So when you're looking at a ban like this, you are demonizing people that switched that do not want to be called smokers anymore. The woman that was up here before said that whoever flew in somebody from 1,000 miles away, well, that was the Pennsylvania Vaping Association. And it isn't to entice people to use nicotine. It is to give people some reason to help them quit. So when you add a 40-percent tax, you are making it more expensive than cigarettes, so that's what they were talking about, not normalizing it, but to give smokers a reason to switch. I really hope that you look at the facts, and the fact is vaping is not smoking.

MR. BARKER: Allison Hydzik?

MS. HYDZIK: Hi. Thanks for the opportunity to speak. My name is Allison Hydzik, and I'm a resident of Glen Osborne in District One. My husband and I have two young daughters. I'm in support of the proposed e-cigarette regulation and I would really appreciate it if all of you would approve it.

Anyone with a nose knows that e-cigarettes to not just give off water vapor. My children realized that when they've asked me about the smell. I work in a job that gives me the opportunity to read research publications and read more. The e-cigarette emissions do contain potentially carcinogenic substances. It is not right for me and my family to be expected to get up and leave, say, a sporting event, or a restaurant, or a concert that we've paid money to attend if we don't wish to breathe these substances.

I've also read studies showing that e-cigarettes renormalize smoking and that people who have never smoked before and said they have no intention to, are much more likely to transition to regular smoking once they've taken up e-cigarettes. E-cigarettes act as a gateway or a starter cigarette for young people. And when our county does not regulate them, you give these young people the impression that e-cigarettes are okay to use. At the very least, I would like you to put regulations in place that discourage and prohibit minors from vaping.

I've read the regulation, and I believe it is a common sense regulation that does not ban adults who wish to vape, from doing so. By not passing it, you are not protecting --- or by not passing it, you are not protecting the rights of vapers. You are discounting the rights of me, and my children, and vulnerable people in

our community, such as those with cystic fibrosis or asthma, whose conditions are irritated by secondhand vape.

Council members, and particularly Council Member Baker in my district, I am a county resident, voter and taxpayer. Please vote in favor of this regulation. Thank you.

MR. BARKER: Meghan Turner?

MS. TURNER: Good evening. I'm Meghan Turner. I am a head and neck cancer surgeon at the University of Pittsburgh Medical Center in the Department of Otolaryngology and head and neck surgery. I know that I speak for the members of my subspecialty when I say that I consider it an honor and a duty for me to be here. We're not often lucky enough to be a part of any preventative medicine measures. We're usually here when it's too late. We're often involved at the point when it's time to take out an entire tongue, half of someone's face, or their voice box. My patients are the ones that walk around breathing out of a hole in their neck.

So with that being said, I'm somebody who actually is a supporter of the e-cigarette use when it comes to smoking cessation. They were designed by a Chinese physician who wanted to help smokers stop. His father died from lung cancer. However, make no mistake. This is a drug, one that I prescribe to my patients in the form of a patch. I used to have to prescribe it. Now you can buy it over the counter.

I'm for it if I knew it would help people quit and if that's why they were using it. But to evident --- or to date, there's no evidence that it actually helps my cancer patients quit. There's a recent article that they smoke just as much. They're really truly addicted and they're in it for the nicotine. I also know that there's evidence that it does harm to those who have secondhand exposure.

Nicotine is harmful. It affects the brain development up until 25. It predisposes to impulse control disorders, addiction, mood disorders. Sixteen (16) percent of our high schoolers are using them, and 40 percent will go on to use other tobacco products, as previously stated by one of our nicotine experts. So I think that when you think about this ordinance, you should think about respect for your fellow Americans. It's the most American idea that I know is that my liberty ends where yours begins.

I'm sure that none of us would want to be exposed to secondhand marijuana smoke if we didn't have to be. Even though there's no proof that marijuana causes lung cancer, you would ask that person to go outside. So I don't think that there's anything wrong with asking that we ask our e-cigarette smokers to go outside in protecting others from being exposed to something they wish not to be exposed to. Please vote for this ordinance.

MR. BARKER: Michelle Naccarati-Chapkis.

MS. NACCARATI-CHAPKIS: Good evening and thank you for the opportunity to speak. I am executive director of Women for a Healthy Environment, located in East Liberty. And in addition to my remarks this evening, I wanted to just share with you that we have received over 120 signatures through a petition that we've circulated in support of the regulation, excluding the three people from South Africa, Italy and the United Kingdom, but everybody else is from the region. And they all had interesting comments that I found were worth noting, such as I care about my health, the health of my family and the quality of air that we all breathe. Another one said we need to protect all children.

The quality of the air we all breathe is precious, another person said for public health concerns. Someone else said that they are always concerned about kids, and as a healthcare professional, it is my obligation to protect. These are just some of the examples of all of the many of comments that were included with the support of the regulation. As you have heard me speak before, children are often more vulnerable to pollutants than adults due to the differences in their size, their behavior, their biology. They are growing at a rapid rate. Pound for pound, they breathe more air than adults, and according to the EPA, a three month old infant breathes about 35 times more air than adults.

Additionally, substantial lung development takes place after birth, primarily all through adolescence. For decades, government regulations have been passed to protect the health of our community, especially our children. They include the Clean Air Act, the Clean Water Act. Lead is no longer permitted in toys, paint, gasoline, because it's a known neurotoxin.

The FDA requires that baby bottles and sippy cups do not contain BPA. The Federal Food Drug and Cosmetic Act of 1938, as amended by the Food Quality

Protection Act of '96, requires that the US EPA consider the exposure of infants and children when establishing a limit on the amount of pesticides that may remain in and on our foods. Seat belt and car seat laws protect our children in vehicles. We have laws in place that prohibit children from buying tobacco products and alcoholic beverages.

This is an instance in which government regulation works by protecting the health of the public. A scientific paper that looked at environmental regulations through the EPA determined that of the 1600 plus actions, over half of them explicitly considered children's health when formulating the regulation. You've heard about asthma rates. We know that there are connections with asthma.

We know through recent publications, just as recent as February, that in surveying high school students, they found that among those, over 1,000 of those e-cigarette users, 26 percent of them report using e-cigarettes for dripping. Have you heard about dripping before? This involves taking apart that e-cigarette, which gives more vapor and a potentially higher hit of nicotine. I ask you all please to consider passing this regulation this evening. Thank you for your time.

PRESIDENT DEFAZIO: Jared, I think the first person, that Bill Godshall, is here. Is Bill here? Go ahead. I'll let you speak. You were supposed to speak first. Go ahead.

MR. GODSHALL: I'm Bill Godshall, founder and executive director of Smoke free Pennsylvania. I've spent 30 years campaigning to protect nonsmokers from tobacco smoke pollution, and helping cigarette smokers quit, and we've made huge progress since then. But cigarette smoking is still the leading cause of disease and death in America and in Allegheny County.

For the past eight years, Obama's Department of Health and Human Service Agency, big pharma funded health and medical groups have spent hundreds of millions of dollars lobbying to ban the sale and use of lifesaving vapor products by falsely claiming they may be as harmful as cigarettes. They don't help smokers quit smoking. They're target marketed to youth. They're addicting many nonsmokers. They're gateways to cigarettes and they're renormalizing smoking. Eight years later, none of these have proven true.

According to the CDC's own data, during that same time period, adult smoking declined by 25 percent. Youth smoking plummeted by 50 percent. More than 2,500,000 vapers, including more than 10,000 in Allegheny County, have quit smoking. About 90 percent of past month vapers are smokers or ex-smokers who switched to vaping, and virtually all daily adult and youth vapers are smokers or ex-smokers who switched to vaping.

According to the Royal College of Physicians, Public Health England, the American Association for Public Health Physicians, American Council on Science and Health and hundreds of scientific studies, vapor products are at least 95 percent less harmful for users than cigarettes and pose no harm to non-users. Each of the following things emit more toxins, carcinogens and other indoor air pollutants than any cigarette but nobody's proposing to ban them from work places.

Every exhale by a smoker for an hour after smoking a cigarette, smokers' clothes and hair, the carpet and furniture in this room, the cleaning products that are used to clean this room, cooking, printers, dry-cleaned clothes, hairsprays, hair dyes and many other chemicals found in and used daily in hair salons, perfumes, nail polish and remover, plug-in air fresheners and even a cup of coffee or tea emit more carcinogens and toxins than does an e-cigarette.

In 2006, 11 years ago, Smoke free Pennsylvania petitioned this council to enact a smoke-free workplace ordinance after the Allegheny County Health Department and the Board of Health refused to do so. None of the organizations or individuals that have endorsed this proposed vaping ban urged this Council to ban smoking back in 2006, and none of them joined us in urging Governor Rendell and the general assembly to enact the Clean Indoor Air Act in 2007 and 2008.

This proposed ordinance turns more than 30,000 Allegheny County vapers into criminals for vaping in their own workplace, and turns tens of thousands of employers and managers of public places into criminals if they fail to enforce the vaping ban. The proposed ordinance also violates collective bargaining agreements between labor unions and employers. Please protect public health by voting against this bill. Thank you.

MR. BARKER: Marina Posvar?

MS. POSVAR: Good evening, Mr. Chairman and members of the Council. My name is Marina Posvar and I'm a resident of Allegheny County and I'm also an advocacy volunteer for the American Cancer Society Cancer Action Network, also known as ACS CAN.

There are four important points that I would like to make in support of prohibiting the use of electronic cigarettes in Allegheny County in places covered by Pennsylvania's Clean Indoor Air Act. E-cigarette use should be prohibited in all workplaces, restaurants and bars. E-cigarette aerosol can contain nicotine and other potentially harmful chemicals. E-cigarettes are not FDA approved cessation devices. E-cigarette use in workplaces, restaurants and bars can undermine the public health benefits of smoke-free laws and compromise enforcements.

E-cigarettes, including supposed non-nicotine e-cigarettes, should be prohibited in all workplaces, restaurants and bars to protect against secondhand exposure to nicotine and other potentially harmful chemicals, to ensure that the enforcement of Pennsylvania's smoke free law is not compromised, and to ensure that the public health benefits of the smoke-free law is not undermined. E-cigarettes are typically battery-operated products designed to deliver a heated solution or aerosol of nicotine and other chemicals to the user. E-cigarettes can be disposable or consist of a rechargeable battery operated heating element, a replaceable or refillable cartridge that may contain nicotine, flavoring agents and other chemicals sometimes called e-juices, and an atomizer that uses heat to convert the contents of the cartridge into an aerosol that is inhaled by the user.

A growing number of studies have examined the contents of e-cigarette aerosol. Unlike a vapor, an aerosol contains fine particles of liquid, solid or both, propylene glycol, nicotine and flavorings were most commonly found in e-cigarette aerosol. Other studies have found the aerosol to contain heavy metals, volatile organic compounds and tobacco specific nitro --- I sound like that guy from Ireland --- nitro --- you've got to help me out here, Doctor. There you go. Among other potentially harmful chemicals. A 2009 study done by the FDA found cancer causing substances in several of the

e-cigarette samples tested. Additionally, Food and Drug Administration tests found nicotine in some e-cigarettes that claimed to contain no nicotine.

Most recently, the US Surgeon General has weighed in on a 2016 report confirming the aerosol from e-cigarettes is not harmless, and I believe the young woman over there spoke about that. I actually have more to say, and I realize I don't have an opportunity to say that now. Fortunately, I do have a copy of it here along with a fact sheet for you to review.

My last thing I'm going to say is as a two-time cancer survivor, and one who works with patients at the Hillman Cancer Center, this is extremely important to me. Thank you.

MR. BARKER: Jesabel Rivera-Guerra?

MS. RIVERA-GUERRA: Hi, good evening. My name is Jesabel River-Guerra, community health director of the American Heart Association. My role here in Allegheny County is to make sure that we're creating strategies to improve heart health and cardiovascular health. Right now, Allegheny County is number one in cardiovascular --- in the worst outcomes with cardiovascular health and stroke here.

Given the fact that in 2009, the Food and Drug Administration conducted initial label tests which found detectable levels of toxic cancer-causing chemicals in e-cigarette aerosols and traceable levels of nicotine in cartridges that were labeled as nicotine free, the American Heart Association supports the efforts to have e-cigarettes covered in the Clean Indoor Air Act, the same manner as smoking combustible cigarettes. By not including e-cigarettes, we believe that it infringes on the rights of bystanders, people who do not use this product, to be forced to inhale e-cigarette chemicals at works --- at work or in a public place.

In addition, a recent study from the CDC found that e-cigarettes are skyrocketing among adults and youth. We need to be careful. If these devices are permitted in indoor public places where smoking a cigarette is not allowed, it makes enforcement of existing laws confusing and difficult. Worst, it implies the product is safe or socially acceptable. The American Heart Association has great concern that e-cigarettes used inside public places will seriously undermine significant progress we've made

to de-normalize tobacco smoking and reduce tobacco consumption.

We have made great progress in making Allegheny County the healthiest place. Let's continue to go that route. E-cigarettes is relatively a new technology and this would require change in our legislation and we will find a way to accommodate vapers and distinguish and differentiate them from smokers, but for right now, let's make the right thing and let's make Allegheny --- continue to make Allegheny the healthiest place and let's approve this regulation. Thank you so much for the opportunity.

MR. BARKER: Ellen Mazo?

MS. MAZO: Good evening. My name is Ellen Mazo and I'm director of government affairs at Children's Hospital of Pittsburgh of UPMC, and I'm here on behalf of Dr. Jonathan Spahr, clinical director of the Division of Pediatric Pulmonology Medicine. Dr. Spahr is on service this evening and cannot leave his patients. I speak for him when I say we are advocating for those who cannot advocate for themselves.

They are our children, all our children. They are your constituents, your constituents whose fragile and growing lungs could be seriously harmed by secondhand vape, yet because they are children, they have no say in this process. We're here for them. Yes, there are smokers who have taken up e-cigarettes as a way to quit smoking regular cigarettes. They may think e-cigarettes are the answer to avoiding regular cigarettes. But why do they have to vape in a public place and put our children, adolescents, and yes, adults with lung disease, including asthma, at risk?

No one is telling them they can't vape at home or in the car. Is it that you don't want to inconvenience those trying to quit smoking regular cigarettes? Please think about those with lung conditions, at risk of worsening their disease when exposed to vape solution in public places. Dr. Spahr did some math and his calculations show that there are far fewer people in our county trying to quit smoking than the number of asthmatics, and that's just people with asthma, not other lung diseases.

Remember as you've been told time and again this evening, this is a common sense regulation that does not seek to stop vapers from vaping. It is a common sense regulation that protects the rights of our vulnerable

children, adolescents and adults from being exposed to secondhand vape. That is why we ask you to please vote in favor of this regulation on behalf of the health of all your constituents. Thank you.

MR. BARKER: Erica Fooks?

MS. FOOKS: Hi, I'm Erica Fooks and I'm from member of PPT and also MET, and I'm here to talk about the motion of the Council of Allegheny County urging the Port Authority of Allegheny County to reinstate the service to Mifflin Estates in order to adequately address the service needs of the population of West Mifflin area.

I'm a resident of Mifflin Estates, and also, I wanted to talk about my experience as far as me living up Mifflin Estates for at least two years. We do not have bus service, so some of us have to walk to West Mifflin Wal-Mart to catch a bus to downtown Pittsburgh and/or get a ride. Of course, call Uber or Lyft to get from our residence building, or you would have to walk with no sidewalks nowhere, where also you might get ran over by a car, truck, anything.

I know a resident that has got run over by a truck, and she also is still in recovery trying to get back together, get herself back together, and she was --- before she actually got in this accident. It would be nice to have a bus so that we can go to grocery stores like Giant Eagle, Shop 'n Save, Aldi's, et cetera, also go to shopping malls. They're not around in West Mifflin area. Also go to amusement parks like Kennywood, Sandcastle, any of them fun places to go and it would just be nice.

Also, I do work, so I do work at Duquesne University. I have a hard time getting there sometimes, but I'll have a ride back and forth to work to go to West Mifflin Wal-Mart to catch the bus. Also catch the Y49 or the Y47 from Wal-Mart, or catch the 53L by 7-Eleven by the Allegheny County Airport. And it's hard sometimes, but I do manage to make it there on time and catch the bus on time also. And I would just also like to thank Bob Macey of District County --- our district. Thank you.

MR. BARKER: Chandana Cherukupalli?

MS. CHERUKUPALLI: Hi. My name Chandana, and I work with Pittsburghers for Public Transit. We've been working with folks in Mifflin Estates for the past six months, and we've submitted requests to Port Authority through their formal process, but I want to highlight how

urgent and important this issue is, and your support would help highlight this. I also just want to note that the change that's being requested would not mean the addition of an extra route to the system, but just a modification of existing service. Right now I want to read a letter from Star Magwood, a resident of Mifflin Estates who really wanted to be here tonight but could not attend.

She says, hello, I want to start off by thanking you for your time and any efforts the council has put forth to help the residents of Mifflin estates get adequate bus service reinstated. My name is Star Magwood. While I am just one person, I feel that what I am writing about is on behalf of many residents of Mifflin Estates. For those of you who are not familiar with Mifflin Estates, is it a housing complex located in West Mifflin and is the residence of over 200 families.

Around April of 2011, the over 200 families in Mifflin Estates lost bus service due to some major cuts by Port Authority. While it was a major cut to save Port Authority money, it has had a tremendous negative effect on the individuals who relied on the services for outside fun and activities, healthcare appointments, educational reasons, employment, transportation and shopping. That was in 2011.

It is now 2017, almost six years later, and we are a community forgotten. For many, they're stuck on a hill, left without any public transportation. They have no choices but to uproot their families and find other housing, which is a struggle of its own. They are left to catch a jitney or a taxi, or even worse, to take a hike of a mile and a half to the nearest bus stop. This mile and a half walk is on an extremely dangerous and busy road.

There have been many incidents where residents have been hit by trucks and have had run-ins with animals. That is a walk no one should be forced to take. There are no sidewalks and barely any lighting. There are residents walking in the rain, snow and on humid and hot sunny days. They are not alone and many have small children with them.

So what I want to know is will you stand behind the residents to help us get Port Authority services back in our community, because this has been a long and overdue process and as you can imagine, this is not easy. This is not something that we just want. This is something that we need and it is a must so the residents of Mifflin

Estates can afford transportation to get them to where they need to go, to help them save money, to help them get to work, to healthcare appointments, to school and to other social fun and community activities. Thank you for your time. Star.

PPT would like to thank Representative Bob Macey for introducing this motion and would urge all the members of the council to vote in favor of it, to support public transit for Mifflin Estates, but also to keep in mind that public transit --- more funding for public transit is needed throughout Allegheny County. Thank you.

MR. BARKER: Ted Kielur? Brittany Huffman?

MS. HUFFMAN: Good evening. My name is Brittany Huffman and I'm the program coordinator with Tobacco Free Allegheny, an organization dedicated to reducing the effects of smoking and secondhand smoke in Allegheny County. I'm also a resident and live in Ross Township, and I'm here today to speak in support of electronic cigarette regulations.

You've heard me speak on this topic before, and in fact, I'm sure some of you are a bit sick of hearing me talk about this topic already. You can laugh. That was a joke. But I'm here, once again, to say that electronic cigarettes are a potential public health risk as the aerosol from e-cigarettes is not harmless water vapor and is not as safe as clean air.

I'm here again to say that these devices expose children to nicotine and leave nicotine deposits on surfaces, that we've seen a significant increase in use among middle schoolers, 12-year-olds and high schoolers using these devices, 16 percent of high schoolers and 5.3 percent of middle schoolers, they are now the most commonly used form of nicotine among youth according to the recently released surgeon general's report on e-cigarettes.

This is common sense legislation that mirrors what already exists across the state for combustible tobacco. You wouldn't be trendy. You wouldn't be doing some new, crazy legislation since ten states and the district already include e-cigarettes in their clean indoor air laws, as well as almost 600 county or city level localities. You'd be in good company when taking this next step to protect the public from secondhand inhalants and maintain current clean air standards.

Even the Royal College of Physicians from the United Kingdom, who are examining the harm reduction potential of electronic cigarettes, states that there is a need for regulation and to reduce direct and indirect adverse effects of e-cigarette use. Prohibition of electronic cigarettes in areas where smoking is not allowed could support tobacco free norms, support enforcement of tobacco free laws, preserve clean indoor air standards and protect bystanders from exposure to secondhand electronic cigarette aerosol. Thank you.

MR. BARKER: Marc Conn?

MR. CONN: Hello, everyone. I thank you for the opportunity to speak to you. My name is Marc Conn, and I am a resident of Allegheny County and I have come to speak to you again to ask you to vote no on the indoor vaping ban.

Since we have last met here, there have been lots of conversations about the proposed regulation. At the Health and Human Services Committee meeting last week, Councilman Ellenbogen and Councilman Klein both voiced their opinion that when it comes to public health, we should err on the side of caution, and I can respect that. However, I will ask that you --- your support of the perceived merit behind the regulation doesn't override your responsibility as a council member to put out sound legislation.

And this legislation has lots of issues. One example is the listed fines for violation. For comparison's sake, Councilman DeMarco explained that Pittsburgh's decriminalization of marijuana lists a fine for only \$100 of having more than 30 grams of marijuana. The listed fine for vaping in a public place is \$250 for the first offense, more than twice that, up to \$500 for the second and \$1,000 for the third.

Dr. Hacker also gave testimony to show the limited impact of these fines by stating that individuals will not be fined, only the establishments that allow vaping in public places. This is not accurate, as the bill clearly states any person in violation shall be sentenced and pay such a fine. It's clear that the punishment does not fit the crime in this instance. Dr. Hacker also claims that these penalties will never be enforced and that the bill will be enforced through public sentiment. This statement further shows that the true meaning of this bill is to deter people from using

electronic cigarettes, even as a safer alternative than combustible cigarettes.

If the Board of Health does not intend to enforce the punishments as written, then I believe the bill needs to be sent back and have proper, reasonable and enforceable punishments written into the law, as opposed to the arbitrary number you currently have. The Board of Health also struck language that stated that the FDA --- that FDA-approved products would not be covered under this ban. The FDA deeming regulations have gone into effect and vapor product companies are submitting applications for approval.

This is an extreme overreach that could criminalize the use of FDA approved, doctor prescribed medications in the future. The Board of Health was unable to explain to the committee why this change was made even though it was included in most other vaping bans. Finally, and most important is the lack of standard this legislation would set. With conflicting studies, I imagine it may be difficult for you to determine whether vaping is safe or not. However, one thing is certain. There have been no cases of secondhand vapor causing effects in people that aren't already caused by thing --- other things in their environment which you are not trying to ban.

The standard requiring proof of zero harm to remain legal would set a ridiculous precedent that would suggest you also ban open ovens, perfumes, coffee, air freshener, even flowers in all indoor public places. Councilman Ellenbogen gave an impassioned speech at the committee meeting about how society could overlook certain possible harms when they provide an overall good to the public. I think that vaping fits into this, as probably everyone in this room knows someone who has suffered or even died from smoking-related illness. Vaping is a way to prevent those harms.

The argument that was also repeated during the county meeting is that Allegheny County isn't the first to pass such regulations. As my parents told me, and I'm sure yours told you, just because everyone is doing it doesn't make it a good idea. As I have said many times, a one-size-fits-all regulation is not required or appropriate. Let the businesses decide based on their patrons. Enacting a law that has no real punishment, bans the use of FDA-approved products and sets an unreasonable

standard, only underlines the lack of necessity for this regulation. Please vote no, and thank you.

PRESIDENT DEFAZIO: Approval of minutes, we have none.

MR. BARKER: Mr. Conn was the last registered speaker.

PRESIDENT DEFAZIO: Okay. Under approval of minutes ---?

MR. BARKER: We have none.

PRESIDENT DEFAZIO: We have none. Presentation of appointments. 10052-17.

MR. BARKER: Approving the appointment of Robert Hurley to serve as a member of the Allegheny County Airport Authority for a term to expire on December 31st, 2019. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: That will go to the Appointment Review Committee. 10053-17.

MR. BARKER: Approving the appointment of Kathi R. Boyle to serve as a member of the Area Agency on Aging Advisory Council for a term to expire on December 31st, 2020. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: That will go to Appointment Review Committee. 10054-17.

MR. BARKER: Approving the appointment of Jean Holland V. Dick to serve as a member of the Area Agency on Aging Advisory Council for a term to expire on December 31st, 2020. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: That will go to the Appointment Review Committee. 10055-17.

MR. BARKER: Approving the appointment of Debra Smith to serve as a member of the Area Agency on Aging Advisory Council for a term to expire on December 31st, 2020. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: That will go to Appointment Review Committee. 10056-17.

MR. BARKER: Approving the reappointment of Dr. Elayne Arrington to serve as a member of the Community College of Allegheny County, Board of Trustees, for a term to expire on December 31st, 2022. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: That will go to Appointment Review Committee. 10056-17.

MR. BARKER: I apologize. 10057-17?

PRESIDENT DEFAZIO: Yeah. I'm sorry.

MR. BARKER: Okay. I didn't want to lose track. Approving the reappointment of James Sacco to serve as a member of the Community College of Allegheny County Board of Trustees for a term to expire on December 31st, 2022. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: That will go to Appointment Review Committee. 10058-17.

MR. BARKER: Approving the reappointment of Anthony Ferraro to serve as a member of the Allegheny County Board of Health for a term to expire on December 31st, 2020. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: That will go to Appointment Review Committee. 10059-17.

MR. BARKER: Approving the reappointment of John Scott to serve as a member of the Allegheny County Conservation District Board of Directors for a term to expire on December 31st, 2019. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: That will go to Appointment Review Committee. 10060-17.

MR. BARKER: Approving the reappointment of John H. Thatcher to serve as a member of the Allegheny County Conservation District Board of Directors for a term to expire on December 31st, 2020. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: That will go to Appointment Review Committee. 9961-17. We're going to hold that because got the identical same bill coming up later, so we're going to bypass that and we'll come out --- it will be coming up. Committee on Public Works, second reading. 10013-17.

MR. BARKER: An Ordinance delegating to the Commonwealth of Pennsylvania, Secretary of Department of Transportation, the right to acquire in the name of Allegheny County right-of-way necessary to rehabilitate Pine Creek Bridge Number eight, and to take such further action as may be necessary under applicable law, including the Eminent Domain Code. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: Representative Macey?

MR. MACEY: Thank you, Mr. President, and members of Council. Public Works Committee met on February 22nd, and the ordinance was looked at and well vetted, and it was sent to the full council with

affirmative recommendation. I make a motion that we approve.

MR. PALMIERE: Second.

PRESIDENT DEFAZIO: Under remarks?

MS. MEANS: Uh-huh (yes).

PRESIDENT DEFAZIO: Representative Means?

MS. MEANS: Yes. I would like to make a remark.

I just want to --- at the --- I attended the committee meeting and I agree that this is a really good ordinance, and I would like to pass the photos of this bridge so the other Council members can see it's in really bad shape, so we're really fortunate that PennDOT is helping us out here. So thank you.

MR. MACEY: Thank you.

PRESIDENT DEFAZIO: Okay. We'll take the roll.

MR. BARKER: Mr. Baker?

MR. BAKER: Yes.

MR. BARKER: Mr. Catena?

MR. CATENA: Yes.

MR. BARKER: Mr. DeMarco?

MR. DEMARCO: Yes.

MR. BARKER: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. BARKER: Mr. Futules?

(No response.)

MR. BARKER: Ms. Kirk?

MS. KIRK: Yes.

MR. BARKER: Mr. Klein?

MR. KLEIN: Yes.

MR. BARKER: Mr. Kress?

MR. KRESS: Yes.

MR. BARKER: Mr. Macey?

MR. MACEY: Yes.

MR. BARKER: Mr. Martoni?

DR. MARTONI: Yes.

MR. BARKER: Ms. Means?

MS. MEANS: Yes.

MR. BARKER: Mr. Palmiere?

MR. PALMIERE: Yes.

MR. BARKER: Ms. Ranalli-Russel?

MS. RANALLI-RUSSELL: Yes.

MR. BARKER: Mr. Walton?

MR. WALTON: Yes.

MR. BARKER: President DeFazio?

PRESIDENT DEFAZIO: Yes.

MR. BARKER: Ayes 14, no's, zero, with one member absent. The bill passes.

PRESIDENT DEFAZIO: 10014-17.

MR. BARKER: An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, establishing rules, regulations and rates relating to the conduct of certain activities held on and about the Courthouse Grand Staircase, Gallery and Courtyard and the County Office Building lobby. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: Representative Macey?

MR. MACEY: Thank you, Mr. President. This particular bill was discussed, and we looked at this building as quite the asset for many of the people in Allegheny County who would like to have a venue that would bring some historical representation to what they're doing or what we have here as a county courthouse. It was affirmatively recommended to the full council with affirmative recommendation, and I make a motion to approve.

DR. MARTONI: Second.

PRESIDENT DEFAZIO: Under remarks?
Representative Means?

MS. MEANS: Yes. I attended the committee meeting and I think this is a really good idea. And when you go to the committee meeting a lot, a lot of times you find out wonderful things and there's pictures and actually this Sunday, our county had a --- how would you describe it? I'm sorry. What --- I would like Willie McKain to come up and give a little report. We actually have like a little bridal show here and I want to pass some of these pictures of how beautiful it's being marketed. It's a great idea, but I am a stickler for words, and so are there --- there are some words in this ordinance that have --- I --- are of some concern to me, so I was hoping that maybe Mr. Szefi or Mr. McKain could clarify these words for me.

In this ordinance, it says the Department of Administrative Service Office of Marketing and Special Events shall have the authority to implement, interpret and adjust the events, rules, regulations and rates. And the word adjust and the words rates has me concerned, and I just want to, for the record, clarify. Does --- I mean, I know --- I understand that sometimes when you're going to rent a facility, you need a little wiggle room.

MR. MCKAIN: Uh-huh (yes).

MS. MEANS: And but I was wondering if you're going to change the rates, because with this ordinance, we did get the new schedule of rates. If you would do a change in the rates, would you return to County Council and consult us?

MR. MCKAIN: On the first part of your statement, it was a very good committee meeting that --- and everyone was very active and responsive and gave us a lot of things to think about. When we came to Council, it was December of 2015, and asked permission to have events and weddings in the courthouse. And we told you we'd come back in about a year or so and tell you some of the successes and lessons learned. And some of the things that were said at the council meeting was that we heard from our customers, and they asked us to come to you and put the rates in more of a package type of a setting, and that's what's in front of you today.

We're combining the courtyard and the grand staircase into one rental. We heard from our customers that they really wanted both packages. It made us more competitive, also had a rain date if there would be inclement weather. We also are asking what's new in this ordinance is rental fees for the family courtyard. We talked to the president judge and court administrator, and on weekends and holidays, we have that in the ordinance.

Some other things to report was that we had 61 events in 2016, including five paid event weddings. 2017, we're in early March and we already have 14, and we got an event already scheduled, a wedding paid event for '18. What Council Member Means was alluding to was we had a very successful first time ever courthouse bridal and event showcase this past weekend to show this historic courthouse, 30 vendors and 175 guests. And I'm happy to report that Alex and Kevin actually booked a wedding for that, so it was really, really positive.

So we do appreciate your support on showcasing the courthouse for wonderful events. To get into your last question, that language is to allow, as you used the term, wiggle room. It would be that if an unusual circumstance came up and a bride needed to get in a little bit earlier, or to adjust things or for the disc jockey, or whoever it may be. The spirit of that is not to change the rate.

What's contemplated --- or you're to contemplate today, are those new rates. So we won't be adjusting.

That's more of a scheduling and if unforeseen things come up, one of the nice things in the committee was everyone in that committee had a experience from some wedding in their family. And as you know, we just have to be flexible to be --- offer excellent customer service.

MS. MEANS: Thank you.

MR. MCKAIN: Okay.

PRESIDENT DEFAZIO: Okay. Well, seeing no more hands, let's take the vote.

MR. BARKER: Mr. Baker?

MR. BAKER: Yes.

MR. BARKER: Mr. Catena?

MR. CATENA: Yes.

MR. BARKER: Mr. DeMarco?

MR. DEMARCO: Yes.

MR. BARKER: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. BARKER: Mr. Futules?

MR. FUTULES: Yes.

MR. BARKER: Ms. Kirk?

MS. KIRK: Yes.

MR. BARKER: Mr. Klein?

MR. KLEIN: Yes.

MR. BARKER: Mr. Kress?

MR. KRESS: Yes.

MR. BARKER: Mr. Macey?

MR. MACEY: Yes.

MR. BARKER: Mr. Martoni?

DR. MARTONI: Yes.

MR. BARKER: Ms. Means?

MS. MEANS: Yes.

MR. BARKER: Mr. Palmiere?

MR. PALMIERE: Yes.

MR. BARKER: Ms. Ranalli-Russel?

MS. RANALLI-RUSSELL: Yes.

MR. BARKER: Mr. Walton?

MR. WALTON: Yes.

MR. BARKER: President DeFazio?

PRESIDENT DEFAZIO: Yes.

MR. BARKER: Ayes 14, no's, zero. The bill passes.

PRESIDENT DEFAZIO: Liaison reports, any? Representative Macey?

MR. MACEY: Thank you, Mr. President. For those of you that don't know, I'm a volunteer fireman. And

we've found over the years, we're losing volunteer fireman because of rules, regulations, added responsibilities and people are just too darn busy.

What I'm trying to do at this point is urge individuals to take a look at their volunteer --- volunteer fire departments. There's a lot of things that you could do to help them raise money. I mean, we're par-time volunteers, but we're full time fundraisers. It takes a lot of money to make a fire department successful and to clothe everybody in the necessary safety equipment that we must have.

There's another aspect to volunteer firemen and especially --- firefighters, I should say. Volunteer firefighters have an opportunity to go to college, Allegheny County Community College, and get a two-year degree. All we ask you to do is sign on with the department for five years. It's a great opportunity for people to learn new skills. It's a great opportunity to get an education at no cost to you. We're talking fees, books, tuition, everything. So think about it. If you have some nieces, nephews, grandchildren or kids that are 18 years of age, please tell them to think about it. Thank you.

PRESIDENT DEFAZIO: Representative Baker, then we'll go down the list.

MR. BAKER: Thanks, Mr. President. This shouldn't be a huge surprise to everyone in the crowd, but we will be in the parade on Saturday, and I kind of took the reins over from Councilman, former Councilman Finnerty, so we're meeting in the parking lot at 8:30. We'll be in the parade at ten o'clock. We're really looking forward to it. I think we've got double digits members of council that will be part of the parade this year, which will be bigger than last year. And we're really looking forward to being part of that historic event.

And I should just mention, as a Board member of Visit Pittsburgh, just a reminder to everyone that our annual meeting is next Thursday, over lunchtime. Everyone on Council has been invited, and we would love to have you join us to hear of all the good things that Visit Pittsburgh is doing to attract people to our region and to get peoples' heads in beds here in Allegheny County. Thanks.

PRESIDENT DEFAZIO: Who else had ---
Representative Ellenbogen, then we'll go down this way.

MR. ELLENBOGEN: Thank you, Mr. President, and members of council. Last week marked the passing of a dear friend of mine when I was a youngster. Sergeant Michael Tracy of the City of Pittsburgh Police Department passed away. Anyone that ever knew Michael, us old athletes knew him as a guy that could hit a ball farther than anybody that ever come out of the East End. But Michael was a champion of not only his community, but his family.

He was on the organ donor list and unfortunately, Michael passed before he could get it. He was a champion in his community. He was somewhat well respected and very loved by people who knew him, very well-respected police officer. And I wanted to bring Michael's name up in honor, to bring it into the county record for all to see for all eternity as a job well done. May he rest in peace. Thank you, Mr. President and members.

PRESIDENT DEFAZIO: Going this way,
Representative Means?

MS. MEANS: Yes. I wanted to just share with everyone that on March the 25th, the Friends of South Park will hold an oldies dance at the economic building in South Park from 7:00 to 11:00. And if you want to find out more about the dance, just visit their website at www.southparkfriends.org and the proceeds from the event will help benefit the park.

I also wanted to give a report on attending the Jail Oversight Committee. I attended that last March the 2nd, and I specifically attended because there was a lockdown in the County Jail for a week. And I attended that to find out an update on what happened because we have --- we are to be concerned about what happens to the residents in our jail.

Unfortunately, when I attended, I was very sad to learn that members of the Jail Oversight Board and our county --- county controller, Chelsa Wagner asked for a report on the lockdown. She was not given any. She even offered that we could go into executive session to receive a report, and she was denied. We need to know what's going on in the jail. We are elected officials and we need to know. Thank you.

PRESIDENT DEFAZIO: Seeing no more hands, we'll go on to 10061-17.

MR. BARKER: An Ordinance of the Council of the County of Allegheny to adopt an Allegheny County Health Department Rule and Regulation and to ratify amendments to Allegheny County Health Department Rules and Regulations pursuant to Section 12011 of the Local Health Administration Law. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: Representative Palmiere, you ---?

MR. PALMIERE: Thank you, Mr. President. The old bill is 9661-17. This one was released from committee with a neutral recommendation. It was introduced back on January 3rd. The local health administration law contemplates a 30-day approval process for new health regulations. Awful hard to try to get that and meet that 30 days. So in order to meet this 30-day timeline, the administration is reintroducing a regulation approval as Bill Number 10061-17. The bill number is the only thing that is different. The regulation is identical to the one we have already discussed in the public hearing and in committee. Exactly the same thing was done with the restaurant grading regulation last year. Thank you, Mr. President.

PRESIDENT DEFAZIO: You want to ---?

MR. PALMIERE: I'd like to --- yeah, I'd like to make a motion.

MS. RANALLI-RUSSELL: Second.

MR. KRESS: To put it on the agenda?

MR. PALMIERE: To put it on the agenda, yes.

MR. KRESS: Second.

PRESIDENT DEFAZIO: Under remarks? Okay. All those in favor ---.

DR. MARTONI: Ms. Means has ---.

MS. MEANS: Just a point of clarification. When we vote on this, it is already on the agenda. What we're voting for is to waive the second reading. Is that --- do we need clarification from the solicitor?

PRESIDENT DEFAZIO: Well, I think we should say that --- that you're right. I think we should say ---. Representative Palmiere, you want to more or less say the waive --- if you want to waive the second reading, you might ---.

MR. PALMIERE: Yes. That's the whole idea here, Mr. President. Yes.

MS. MEANS: Do you make a motion?

PRESIDENT DEFAZIO: You want to waive the second reading?

MR. PALMIERE: I want to waive the second reading.

MR. KRESS: Second.

PRESIDENT DEFAZIO: There was a second, and then under remarks ---.

MS. MEANS: Are we allowed to discuss this?

PRESIDENT DEFAZIO: Yeah.

MS. MEANS: Well, I would really respectfully ask my Council members not to waive the second reading. I think this should go back to committee. I think this is a very flawed piece of legislation. It will not uphold --- not stand a legal challenge. And I also feel that the punishments and fines are excessive and ---.

PRESIDENT DEFAZIO: Well, you know what? When we're waving this thing, I think we should just --- we shouldn't get into all the merits of the bill, so ---.

MS. MEANS: But that's why I'm asking that it not be waived because it's very troubling.

PRESIDENT DEFAZIO: Yeah. You have a right to do that.

MS. MEANS: Thank you. Thank you. I will be voting against waiving the second reading. Thank you.

PRESIDENT DEFAZIO: Okay. Representative Kress?

MR. KRESS: I just have to say I've spent hours and hours on this, and I just can't vote for this either. And it's just that I just wanted to let you know, this is my opinion. I mean, to me it's just what I truly, truly, believe in. Thank you.

PRESIDENT DEFAZIO: Okay. Let's take the vote.

MR. BARKER: On the motion to waive the second reading?

PRESIDENT DEFAZIO: Yeah.

MR. BARKER: Mr. Baker?

MR. BAKER: Yes.

MR. BARKER: Mr. Catena?

MR. CATENA: Yes.

MR. BARKER: Mr. DeMarco?

MR. DEMARCO: Yes.

MR. BARKER: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. BARKER: Mr. Futules?

(No response.)

MR. BARKER: Ms. Kirk?
MS. KIRK: Yes.
MR. BARKER: Mr. Klein?
MR. KLEIN: Yes.
MR. BARKER: Mr. Kress?
MR. KRESS: No.
MR. BARKER: Mr. Macey?
MR. MACEY: Yes.
MR. BARKER: Mr. Martoni?
DR. MARTONI: Yes.
MR. BARKER: Ms. Means?
MS. MEANS: No.
MR. BARKER: Mr. Palmiere?
MR. PALMIERE: Yes.
MR. BARKER: Ms. Ranalli-Russel?
MS. RANALLI-RUSSELL: Yes.
MR. BARKER: Mr. Walton?
MR. WALTON: Yes.
MR. BARKER: President DeFazio?
PRESIDENT DEFAZIO: Yes.

MR. BARKER: Ayes 12, no's, two, with one absent. The motion to waive the second reading passes.

PRESIDENT DEFAZIO: Okay. Then we're now on to the 10061-17. We already made the motion it was second; right?

MR. BARKER: There was not yet a motion to approve the bill.

PRESIDENT DEFAZIO: All right. Well, does someone want to make motion again?

MR. PALMIERE: Mr. President, I'd like to make a motion to approve this bill, please.

MS. RANALLI-RUSSELL: Second.

PRESIDENT DEFAZIO: Okay. Under remarks? Seeing --- go ahead. You want to go first, Representative --- go ahead, Sam.

MR. DEMARCO: Thank you, Mr. President. Any time that I've been here before when this body has had the opportunity to evaluate a potential piece of legislation, and it's had any type of degree of controversy attached to it, many times a member will say this has been a very difficult decision for me. For me, this isn't a difficult decision and I'll tell you why. Before I do, I want to apologize to everyone out there who wasn't able to see their doctor in the past week because they were busy e-mailing and calling myself or other members of council.

But the issue here isn't whether we think vaping is good, or bad, or relevant to someone's health. The issue here, before this body, is do we have the jurisdiction to be able to make this type of law? Because in essence, passing this ordinance, we're creating a law. In 2007, this body passed the Allegheny County smoking ban. And when they did that, it was challenged in Commonwealth Court where it was promptly struck down.

Now, my concern is that we do not have the ability to do so again. In 2007 when it was struck down, the three judge panel on Commonwealth Court said regardless of our own sense as to whether local communities should be permitted to impose stricter regulations in this area, we may only interpret and apply the law as set forth by the general assembly, the three judge panel wrote. We therefore are constrained to find the county was without authority to enact the ordinance. So they struck it down because we were exceeding our authority in passing that ban.

The current smoking ban that's in place only was permitted to come back into effect when the state legislature addressed that in a follow up to the Clean Indoor Air Act. Now, when we talk about e-cigarettes, at the time that they did this, they had the same opportunity to address this at this time. There was a House Bill 682, which was introduced into committee in July of 2015 that was voted down. It never made it out of committee. So the state legislature took it upon themselves to consider whether to regulate these and decided that they were not going to.

In my opinion, and I know our solicitor's opinion differs, all due respect to him. In my opinion here, this would be an unprecedented expansion of the Clean Indoor Act by taking and regulating e-cigarettes under this, and I believe this would be illegal and struck down in court. So that's my one major issue.

In addition, let's talk about penalties. You've already heard from one of the speakers here today talk about how marijuana use in the city of Pittsburgh ---. If you're stopped for smoking --- or up to 30 grams of marijuana, the penalty fine is up to \$100. In here, it's \$250, \$500, \$1,000, that's the criminal piece. Then we get into the civil penalties.

And in the contortions that the Health Department made in order to try to say, well, this isn't

part of the Clean Indoor Act, so that they could try to pass it, they reference the penalties back to the Allegheny County Health Department's penalties, which are up to \$10,000 an instance. At the direction of the --- or discretion of the director, and up to \$2,500 more a day.

So we're sitting here saying that, hey --- and we can agree or disagree about whether vaping is bad. And you know, I'm certain that in a perfect world we would have none of this; okay? There'd be no smoking, there'd be no vaping or whatever. The point is we can't legislate risk out of life, and we can't legislate something we don't have the legal authority to legislate. We're taking and creating penalties here that are two and a half to ten times and further beyond what exists out there.

And when we heard the speakers talk, what's become clear is this isn't really about --- or in my mind, because one of the speakers brought up about what they heard, which indicates to me that many folks are hearing what they want to hear; okay? It's that if this is really the concern here, it's not about children getting access to it because the FDA has already ruled on that. It's illegal. It's federal law. It's illegal for someone under 18 to go and buy these. But what they don't want to have happen is the perception that this is normalized.

They want to take it, prevent kids from even getting started on this. And again, while I think that's an admirable thing, you know, we want our kids to grow up healthy. We want them, you know, to --- we want what's best --- excuse me --- the best for them. Again, we don't have the authority to do this, and that's one of the reasons, or the major reason that I'm going to be a no on this piece of legislation.

To me, I don't want to call it a waste of time that all these people have put in in speaking to us for months at a time. But we're sitting here and we've listened to a lot of testimony. We've spent a lot of time in committee on this. We've reviewed this, and again, it's something that we don't even have the authority to rule on and that's why I'm a no. Thank you.

PRESIDENT DEFAZIO: Representative Andy Szefi wanted to come up a minute and --- oh, there you are.

MR. BAKER: You've been promoted.

MR. SZEFI: Thank you, members of Council. And respectfully, I just want to address a couple of the matters raised by Councilman DeMarco. The first ---

because the nuances of this are important, so I just want to speak to the other members of Council on this. When County Council put its smoking regulations in place back in 2007, I guess it was, and they were overturned, saying correctly --- you did state correctly that the Court said no, you don't have the authority to do that.

The important thing to know is at that time the Clean Indoor Air Act was already in place and that Clean Indoor Air Act had already put restrictions on where smoking could take place. And at that time, it said things like you have to have a separate smoking section. So when this --- when the ban --- when the regulations here in Allegheny County were passed, the Court said what has happened here in the Clean Indoor Air Act, the state has preempted the field. The state has already said we are going to say where smoking can and can't happen. You can't do that, so it was struck down.

In this case, the state has not said in any way where you can and can't vape with the exception of the Medical Marijuana Act, which is a separate issue. But so it's not --- it's not preempted under the Clean Indoor Air Act, because the Clean Indoor Air Act is silent on it. We know it's silent on it, again, because as Councilman DeMarco said, attempts were made to add vaping to the Clean Indoor Air Act and those did not pass. So it is not in there and is therefore not preempted by the Clean Indoor Air Act.

So where does the authority come from? Where the authority for the Health Department to act comes from is where it comes from all the time, in the local health administration law. And under that law, the Board of Health is permitted to promulgate regulations to abate public nuisances in the interest of public health, which regulations can be adopted by ordinance, by Council. So I would just like to state in response to Councilwoman Means' and Councilman DeMarco's concern, we have vetted this thoroughly, myself, lawyers on my staff, lawyers at the County Health Department and we are all quite comfortable that this ordinance would indeed survive a legal challenge.

I would say on top of that, I would encourage Council, from my two cents' worth, if legal challenges are brought, we will handle that. We're comfortable that they will pass. I don't think any legislative body, if they act out of fear of a lawsuit, you run the risk of

rendering yourselves irrelevant. We don't want the courts to be the ones promulgating health --- public health issues or deciding what legislation is legislation. So I would encourage you to vote as you please on the substance of this comfortable in the knowledge that we are comfortable that it would sustain a legal challenge. That's all. Thank you.

PRESIDENT DEFAZIO: Okay. Let me get Representative Ellenbogen and ---.

MR. ELLENBOGEN: Are you sure you don't want to sit over here, Andy? That was pretty good. Thank you, Mr. President, members of Council. You know, sometimes I think we, as legislators, have a tendency to draw a destination where we want to go and then draw a map to get there. I've heard a lot of arguments, pro and con, and I'd like to applaud both for and against for their eloquence and their professionalism in how they handled the issue.

That being said, the debate I've heard from the people who are against is a debate of whether we're making this legal or not. That's not the argument, and that's where they fail to convince me. This is truly, to me, an argument of convenience. I don't want to go outside and smoke or vape. Being told that, wow, you'll put me out there with the smokers. Last I looked, the outside is a big place. Nobody told you to go stand next to them.

That being said, you know, I have children. I have grandchildren. I also want to advocate us old people. You know, I don't --- we don't --- and a lot of us with health issues, we don't necessarily want that in our face either. If I pay \$50 for a steak dinner, I'd rather eat it and not taste strawberry or whatever.

Also, the argument that's been put in front of me is the 90 --- is the 700-pound individual any healthier than the 900-pound individual? Now, I would go out on a limb here and say that folks watching this, and the folks in the audience, when you're sick and you have something wrong with you, you're going to go to your doctor. American Heart Association, American Cancer Association, Lung Association and et cetera, et cetera, et cetera, because you have a certain trust and belief system that they can do something that we can't, that they are the experts in this area.

Now, when I look at my e-mails, those are the organizations that are telling me that this thing is not

totally safe. Well, to me, that's not good enough. It needs to be safe or not. So you know, I'm saying, well, go ahead outside. Don't infringe on the folks who don't want to take that risk. There's no guarantee what the person sitting next to you is putting in that pipe or cigarette, whatever it is. It could be anything. You know, I, for one, don't want my grandchild sitting there and not knowing what's going in her face. I don't want to be part of something that maybe 20 years from now is a catastrophe because we didn't do anything about it.

That all being said, I'm in favor of this ordinance because I think that we have an obligation to err on the side of caution to make sure folks are safe and feel safe. Again, nobody is telling you, in the presence of your own home or outside, that you can't do this. We're saying don't infringe on other folks. That being said, I support the doctors of here.

Now, I've heard a lot of arguments about the argument of the United Kingdom. I've heard a lot of like this is safe according to the United Kingdom. I don't know if that's fake news. I don't know. I had to throw that in there. But the point being said, I can't research what doctors have said in England, but I have researched and spoke to a lot of doctors who are a part of the American Medical Association, who are health professionals that I've had a chance to interface with. And they have totally convinced me that the 700-pound individual is not healthy as the 900-pound individual. They're both unhealthy and this is unhealthy for the citizens. If you want to smoke them, go outside. Thank you, Mr. President, members of Council.

PRESIDENT DEFAZIO: Okay. I'm going to go back to Representative DeMarco because he more or less was involved with this thing. Go ahead.

MR. DEMARCO: Thank you very much, Mr. Chairman. I would like to say, again, to Mr. Szefi, with all due respect, I understand the Health Department's ability to take and rule and mandate things within the county, when the county's health is purely at risk. So in the case of some sort of epidemic, or some sort of clear cut risk to the public health, then obviously the health department has the ability to take and enter it there.

But I would say in this particular case here, when we're talking about this, in all of the information that we've seen back and forth, I have yet to see a clear,

definitive case or study where someone says that secondhand vapor creates a public harm there, that something that would happen there.

And I would say that, and Mr. Szefi knows, when this is challenged in court, or if it is challenged, the court will also look at legislative intent. And in this particular case, going back to 2015, and the fact that the house of representatives, the general assembly, they looked at this, is another reason why I feel that it won't --- it won't be upheld. And I just think that we have better ways to expend the legal resources in our county, you know, and Mr. Szefi and his staff, than on this kind of thing here. Thank you, Mr. President.

PRESIDENT DEFAZIO: Okay. Back down here, Representative Means?

MS. MEANS: Yes. I wanted to thank everyone that has participated in the democratic process. It's been wonderful to see everybody come out, everybody make those phone calls and write those letters. As a former grassroots activist for parental rights, I love to see people getting involved in the political process. I would respectfully request that my fellow councilmen and women reject the vaping ban.

We are --- I want to remind the members that we are a legislative body, so words matter. Words matter. And I wanted to say that the terms and regulations are in --- in this banning of secondhand vaping is --- they are deeply flawed. I want to dovetail into what councilmember DeMarco said, and I actually have a handout for all my fellow --- Mr. Walter Szymanski, could you pass this? And then there's an extra for the court reporter, also.

Banning the vaping ban. Allegheny County cannot make an activity illegal if the state has ruled it legal. So I disagree with Mr. Szefi, and I want to point out when you go to a court of law, you have a judge, you have two attorneys and they're going to argue back and forth. And I argue that the preemption does stand because the state legislature did consider including e-vaping in the Clean Indoor Act, and they decided that they didn't want to put it in.

The exercise by the Allegheny County's Authority contradicts a contemplated act of the General Assembly. When two exercises of power are in conflict, Pennsylvania law pre-exempts the matter because it was --- regulated the matter of indoor smoking directly via the Clean Indoor

Act. In other words, Allegheny County's ordinance banning exposure to secondhand vaping enlarges the powers granted by Pennsylvania Clean Indoor Act. The General Assembly purposefully did not include e-cigarettes in the CIAA, as evidenced by the rejection of House Bill 682, and therefore, Allegheny County may not expand the Act's reach, either. In short, Allegheny County cannot make an activity illegal if the state has ruled it legal. That's point number one.

I also do strongly believe that it will not hold a legal challenge because --- due process; okay? When you write a piece of legislation like we have done, you have to put in the legislation why you are banning the activity. There is no words put in this legislation that says why we are banning this activity. I also think that if they would have taken --- they had, wait, to back up --- they have taken the Clean Air Indoor Act terminology and words, and copy and pasted it into this legislation. And that was not a good idea, because again, they took the words, incorporated it and then they added one more thing you're not allowed to do. Troublesome.

Then I also have another handout to add to Councilman DeMarco's comments on excessive and harsh fines. And you know when Dr. Hacker came and talked to us --- Mr. Szymanski, could you pass this as well? When Dr. Hacker came to us and spoke, she said there were 500 other municipalities that have banned vaping. Well, I took a look at Philadelphia. Another reason why I think this should go back to the drawing board is because I took a look at Philadelphia. Philadelphia doesn't tell parents to leave their children in the car or outside while they go and buy their vaping products. That is so disturbing, very disturbing, but ours does. Ours says you can't take an underage child into the vaping shop. So where are you supposed to put your child while you run in and get your e-cigarettes?

Next point, I want to go into the harsh and excessive fines. Philadelphia, every offense is \$300. So I'm going to read you a scenario that I just passed out to the other members. I hope you'll read along. Okay. There's two guys, Andy and Bob. They both work for the same company, Company X. And Andy --- Andy smokes a cigarette in the lunchroom and exposes 50 other employees on five consecutive days. On those five days, Bob vapes

alone in his office with the door closed, but we can see him in there vaping through the office window.

Andy and Bob are both found to have committed violations by the Allegheny County Health Department. Andy is only subject to penalties under 679 --- I'm sorry, 637.6 of the Clean Indoor Act, and as such, he is subject to civil and criminal penalties. Criminal, up to \$250 for the first offense, one day, \$500 for the second day, \$1,000 for each of the three remaining --- three remaining days, \$3,750. Civil, up to \$250 for the first offense, up to \$500 for the second offense and up to \$1,000 for each remaining of the offenses. The maximum total is \$3,750. Andy's total maximum penalty plus civil and criminal is \$7,500; okay?

Now, I want to point out to you that it needs to be noted that the practical effect of this vaping ban is more harshly punishing the person who vapes than the person who smokes. And we know that smoking secondhand, there are particulates in the air for 20 to 30 minutes. And I want to point out that I haven't seen any research to go against the knowledge that vaping particulates hit the ground in ten seconds. They're not floating in the room for half an hour.

Bob is subject to penalties under the proposed regulation. As such, he is subject to criminal and civil penalties as well. Criminal, \$250 for the first offense, \$500 for the second offense, \$1,000 for each of the remaining days, \$3,750. Civil, up to \$10,000 for the first offense, plus no more than \$2,500 for each day of continued violation for the maximum of \$20,000. What are we doing and why? Bob's total potential maximum penalty is \$23,750. Really? Really? And this legislation is okay? It's not okay with me.

I also want to say that we have asked repeatedly for Dr. Hacker and others to prove to us with a scientific investigation, research that's reliable and repeatable, to show us harm to the person who has inhaled secondhand vapor. No one has done that. We have asked and we would like to see. I believe that nicotine is addictive, but no one has shown me how if I'm sitting next to --- who was it, the one that was vaping --- Bob, that I --- that you're going to take my blood, and you're going to check my blood and you're going to tell me I have nicotine in my blood. No one has shown me that scientific evidence.

And I want to point out there was research done, and if you're in a home where someone is smoking, there is --- there are minute particulates, 572.52 particulates in the air. And if you're vaping, there's 9.8 particulates in the air. And the research also showed that if in your home, it's smoke-free and vapor free, there are 9.53 particulates or 9.36 particulates, so any exposure is so minute.

And I have heard over and over again, and read letters to me, and everyone says it may be harmful. And they talked about the person who is vaping, but there is no documented, scientific, repeatable, any research to show me there is harm to the secondhand smoker. And that is why this is an extremely flawed ordinance, and I will be voting against it. And there are smart --- and one other comment and I --- the United Kingdom has done lots and lots of research and they have asserted that e-cigarettes are 95 percent less harmful than smoking. The report asserts smoking is so harmful that any potential risk from long-term vapor product use is inconsequential compared to a much larger risk by --- posed by cigarettes.

People that are addicted to smoking are --- they want to quit smoking. It is a vile --- a habit. They're addicted and they're going, probably, to expose themselves to cancer and they want to quit. And it's an expensive habit. One pack of cigarettes can be from \$8 to \$10 a day, but you can buy an e-cigarette that lasts you three days for only \$5 to \$8. And they're trying to quit, and we've heard over and over again how people have used them to quit.

And I have been in the room when people have vaped, and I haven't smelled the thing. I haven't felt a thing at all. And anyway, I just think this needs to go back. I would be okay banning --- saying people working with food should not be using cigarettes. Thank you. Thank you for allowing me to speak.

PRESIDENT DEFAZIO: Okay. I'd like to have representative --- I call you representative. Is that all right?

MR. KRESS: Yeah, hey.

PRESIDENT DEFAZIO: Solicitor Andy Szefi ---.

MR. KRESS: He can join us any time.

MR. SZEFI: I just want to be very quick. I just --- I am Andy. I don't think I'm that Andy and I'm

not going to let my friend Bob be fined \$23,000, because the way this works is there are --- it creates options of criminal penalties or civil penalties; okay?

So in the criminal penalty category, they exactly mirror the Clean Indoor Act penalties. Taken right from it, same amounts, everything is the same. Now on the civil side, what the penalties that have been put into these regulations mirror are standard Health Department environmental health regulation penalties. And that's critically important in this case, because they also mirror --- and this was the whole point they were put in there or one of the points --- those penalties, civil penalties set forth in the food safety regulations because that is part of this ordinance. It modifies the food safety regulations; okay?

So we didn't want inconsistency in the penalty provisions between enforcement by the Health Department professionals. Now, on the amounts, you are correct that the existing Health Department civil penalties which are incorporated into this regulation do provide up to the amounts that you've stated. Now, I don't want anybody thinking that Bob is going to get hit for \$10,000 the first time he gets caught vaping somewhere.

Typically, because the Health Department goes through a matrix on these, it factors in things like willfulness in the violation, repeat violation, actual and potential harm to the public. And these are the things that are considered by the Health Department when they assess civil penalties which you'd go to court to assess. Typically, that matrix for a first-time offender yields a penalty of \$100, which is less than what the Clean Indoor Air Act assesses as a criminal penalty.

So actually, Bob is going to be better off than Andy in all likelihood. I mean, that's just that's the way this works and the way it's been enforced. So I didn't want anybody to be scared that we're bankrupting Bob for vaping. That is not the intent, and that is not how enforcement of these very standard regulations and civil penalties, which have been passed by this Council multiple times, on environmental health regulations work. Thank you.

PRESIDENT DEFAZIO: Wait a minute, Andy.

MR. SZEFI: Sure.

PRESIDENT DEFAZIO: We have a question real quick here, supposedly real quick, but sure.

MR. KRESS: Yeah, you never know, huh?

MR. SZEFI: Oh, I think I know.

MR. KRESS: Now, I was looking here, Section 2203 violations, affirmative defenses and penalties. Now we're talking about the Health Department. I guess in section A, this one is going to be, I guess, enforcing this and that's in section A. But what about section B? It says any city, borough, or township in Allegheny County may enforce the provisions of this Article and the standards adopted by the Department so far as such enforcement does not interfere with the enforcement and administration by the Department.

I guess the fear would be is that somebody outside the Health Department could enforce that, enforce these penalties. Because I know we're saying, hey, we're going to be very lax on it so please explain to me these other --- you know, section B here.

MR. SZEFI: Law enforcement could enforce --- could cite someone criminally, okay, for a violation of this ordinance. Civil penalties go through the Health Department.

MR. KRESS: Okay. So you're saying somebody else other than the Health Department could enforce this. Is that ---?

MR. SZEFI: Criminally, yeah. You could get a local police department, or something. Just like a lot of ordinances that are out there, they are empowered to enforce ordinances. That's right.

MR. KRESS: Can I ask a follow-up question?

PRESIDENT DEFAZIO: Yeah, make it real quick.

MR. KRESS: Oh, gee, I don't know. You know, we had talked about the medical marijuana statute. And my concern, again, is being there should have been an exclusionary provision in there for medical marijuana, and we had discussed that at the previous committee meeting. And it ---.

MR. SZEFI: Right. I'd like to discuss it real quick since it's been raised.

MR. KRESS: No, but the problem is, though, I --- my understanding is they would be able to charge them under the statute. You just said they could charge them. And the problem is that somebody is going to have to go to court now ---

MR. SZEFI: Sure.

MR. KRESS: --- to get the case thrown out. And that's the reason why I thought we had the exclusionary language in the ordinance to begin with, for the medical marijuana covering like --- for example, like I said, in California they put the exclusionary language in there and that's my concern.

MR. SZEFI: All right. Here's what the Medical Marijuana Act says.

MR. KRESS: No, I know. I have it up here.

MR. SZEFI: I know, but for the rest of us.

MR. KRESS: Okay. I understand. Go ahead.

MR. SZEFI: State that a patient or a caregiver shall not be subject to arrest, prosecution or penalty in any manner solely for lawful use of medical marijuana. So there's an exception in the state --- the new state Medical Marijuana Act that says no one can be prosecuted criminally for the lawful use of medical marijuana.

So as we discussed at the committee hearing, whether you put in an exception for this into your regulations or not, it exists as a matter of state law that you cannot do it. So I'll stand on that. You can't --- whether you put it in there --- it's surplus verbiage if you put it in there. It doesn't mean you can do it because you leave it out. It doesn't mean you can't do it because you put it in.

MR. KRESS: Okay. But again, you can be --- here's the thing. We've had conflicts before and people can be charged with a crime. And as a lawyer, too, you know you can go to court and have the case thrown out. But the question also arises, a distinction in the law, are we charging this person for vaping or are we charging for using medical --- for marijuana? That's the problem I'm having here.

This is an anti-vaping ordinance. That's the problem I'm having here. I think if you had the exclusionary language in there, we would be on the safe side. And again, when I looked at California, at the language they put in their statute, when I looked at San Francisco, the concern I have that, again, a good lawyer can argue if you want to --- I'm not saying they're going to, but you could, that what is the actual charge upon the actual act of vaping or is it the actual use of medical marijuana? And that's the question we have here.

MR. SZEFI: Okay. I don't want the other members of Council to be distracted by this, and I think it is a distraction, respectfully, Councilman.

MR. KRESS: Well, I know, but I'm just saying ---.

MR. SZEFI: Let me --- but I just want to ---.

MR. KRESS: Okay. But you understand my opinion, though, I really wanted the language in the bill.

MR. SZEFI: I understand your opinion and I wanted to clarify. Just to make something very clear to everybody, the state Medical Marijuana Act states that this body, even if it wanted to, could not pass an ordinance to prosecute someone or penalize someone criminally for the use of medical marijuana. Couldn't do it if you wanted to. So whether you put language in there --- if I put --- if we were to put language in there saying this bill shall not apply to the legal use of medical marijuana, state law already provides for that. It does not need to be in there for that to be excluded from this ordinance. I just like to make that very clear.

MR. KRESS: Can I do a follow-up question?

MR. SZEFI: Very quickly.

MR. KRESS: I know I'm going to get killed up here. We really had a fun proclamation ---.

MR. ELLENBOGEN: He used up his two questions.

MR. KRESS: But the question I would have, though, is that again, it comes down to a standpoint like I'm over there vaping; okay? And a police officer says hey, you're not supposed to be vaping here. We don't know if the person is doing medical marijuana or they're doing whatever else. And that's the question, is like how do you know that person is not going to get charged? I mean, I'm saying that's the reason why if we had some clarification here. That's what I'm looking for. And again ---.

MR. SZEFI: I appreciate where you're coming from. I can only say it's absolutely not necessary.

MR. KRESS: I know, but you understand --- I mean, look. First of all, I mean, I truly believe in medical marijuana. I really do. We have people in my district. They're going to benefit from it. Yeah. But I'm just saying my concern is I think like, some simple language here explaining it in the ordinance would be a good thing, and I just want that on the record and I know

you may disagree with me, but that's what I truly believe; okay?

MR. SZEFI: Very good.

MR. KRESS: Thank you.

PRESIDENT DEFAZIO: All right. Hold on. We have two questions that I see. Representative Kirk and then Representative Walton.

MS. KIRK: Hi. I would just like to make a comment that I have met with people on both sides of this issue, and listened very carefully, and read many articles, more than I ever thought I would ever read. That said, I would have to say I'm like a hybrid. I do support parts of this ordinance. I do believe it. Where I have problems is when we start to restrict private businesses. Businesses have people, have choices. For example if I --- if the hair salon I go to chooses to allow vaping, I could choose to go there or not. So when you're restricting the private businesses, that's when I have to vote no, even though I do support many of the other parts of this ordinance.

PRESIDENT DEFAZIO: Okay. Representative Walton?

MR. WALTON: My President, we've debated this in hearing and now we've debated it substantively again at this council meeting. I respectfully move that we cease debate and vote on the issue.

PRESIDENT DEFAZIO: Okay. That's a two thirds vote, so --- well, there's a motion. Is there a second?

MS. RANALLI-RUSSELL: I second.

PRESIDENT DEFAZIO: Okay. Good.

MS. MEANS: Point of order, could you please explain? There's a motion on the floor to end the debate?

PRESIDENT DEFAZIO: To cease debate.

MS. MEANS: So then don't we have to take a vote on ---

PRESIDENT DEFAZIO: Yes.

MS. MEANS: --- the motion to end the debate?

PRESIDENT DEFAZIO: Yeah.

MS. MEANS: And I just --- not everyone has gotten a chance to speak, so I don't think ---.

PRESIDENT DEFAZIO: Well, you're allowed to vote one way or the other, so ---.

MS. MEANS: Okay.

PRESIDENT DEFAZIO: Okay. Let's --- Okay. let's take the voice vote because it ain't going to work the other way. I mean, let's take the roll call.

MR. BARKER: The roll call? Okay. On Mr. Walton's motion to end debate? Mr. Baker?

MR. BAKER: No.

MR. BARKER: Mr. Catena?

MR. CATENA: Yes.

MR. BARKER: Mr. DeMarco?

MR. DEMARCO: No.

MR. BARKER: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. BARKER: Mr. Futules?

(No response.)

MR. BARKER: Ms. Kirk?

MS. KIRK: No.

MR. BARKER: Mr. Klein?

MR. KLEIN: No.

MR. BARKER: Mr. Kress?

MR. KRESS: No.

MR. BARKER: Mr. Macey?

MR. MACEY: Yes.

MR. BARKER: Mr. Martoni?

DR. MARTONI: Yes.

MR. BARKER: Ms. Means?

MS. MEANS: No.

MR. BARKER: Mr. Palmiere?

MR. PALMIERE: Yes.

MR. BARKER: Ms. Ranalli-Russel?

MS. RANALLI-RUSSELL: Yes.

MR. BARKER: Mr. Walton?

MR. WALTON: Yes.

MR. BARKER: President DeFazio?

PRESIDENT DEFAZIO: Yes.

MR. BARKER: Ayes eight, nays six. The motion fails.

PRESIDENT DEFAZIO: All right. Did you have a question, Representative Means?

MS. MEANS: Oh, I just want to make a comment about Mr. Szefi's --- his statement about we were just going to fine people \$100. You know, we don't know if Mr. Szefi's going to get elected as, you know, a judge. He might not be here much longer and we don't know if Barbara Hacker is going to become a professor and move on, but --- so we don't know who's going to be here in 5, 10, 20

years, and so we can't make a statement on don't worry, we'll just fine \$100. So words are words. These numbers are in the legislation. I just wanted to make that --- respectfully make that comment to answer. Thank you.

PRESIDENT DEFAZIO: Representative Klein?

MR. KLEIN: Well, I'd like to say a few things. And as we come together this evening to consider this proposed action to address the concerns that are associated with secondhand exposure to what has become known as vaping, I'd like to take a moment to acknowledge the participation in this process of so many in the medical, and public advocacy communities, as well as business owners, most notably vape shop owners and their customers and concerned citizens who believe that it's important to make their voices heard. This is what democracy looks like.

We've been having this community conversation over the course of many months. And when I say conversation, I mean, just that. Those on both sides of this issue have demonstrated civility and listened to each other respectfully. That doesn't always happen here. So many of you have given your time and shared your passion, contributing to a much-needed public discussion. And I must say of late, I feel that I have spent more time with Mr. Godshall and Mr. Marino than I have with my brothers.

Clearly, as we reached this moment in which we as legislators, as representatives of the citizens of this county, must decide we are not of one mind but there are things about which we can agree. As citizens of a society built on the rule of law, there will be those times when the democratic principles that sustain us require that those elected to represent us decide amidst competing claims and evidence what is to be done in the interest of the greater good.

Those who oppose the proposed regulation of vaping, maintain that the county has not clearly established that it is unsafe to those parties exposed to it. But if our burden before regulating is to prove that something is unsafe, it would seem to follow that those opposed to such legislation prove that, in fact, it is safe. In fact, there is a considerable body of research that has been conducted that raises serious questions about the safety of these products to the wellbeing of non-vapers. Some of that research has been conducted right here in Pittsburgh and has been supported by leading

authorities in the medical community. And as we all know, Pittsburgh is a recognized leader in healthcare and research around the world.

However, as is often said in the law, reasonable people can disagree, and in such situations it falls to government to balance those competing claims. In May 2013, Thomas Frieden, director of the Centers for Disease Control in Atlanta, wrote in the New England Journal of Medicine that law and public opinion recognize the protection of public health as a core government function. In the future of the public --- in the future of the public health's --- of the public's health in the 21st century published by the National Academies of Science, Engineering and Medicine. The authors note that states and their local subdivisions, such as we are, retain the primary responsibility for health under the Constitution --- under the US Constitution, to the extent that citizens place a high priority on health.

These elected officials, such as us, are held accountable to ensure the government is able to monitor the population's health and intervene where necessary through laws, policies, regulations and expenditure of the resources necessary for the health and safety of the public. It does not give us license to delegate this responsibility to private businesses. In a risk/benefit calculation for smokers, what risks might be associated with vaping would seem, at this time, to pale by comparison to the known risks associated with smoking.

But for nonsmokers the calculation is different. If left unregulated, they face the prospect of inhaling air now tainted by vapor, although there are other contaminants in the air that I am well aware of and we discussed before, air that previously was not. And the safety of their exposure is not at all clear. What we have here are, in effect, liberty interests that are at odds. Our individual liberties are not without limits. My right to do as I choose as a free person is limited to the extent that it impedes the right of others to do the same.

This proposed legislation is not intended to deny owners a property interest, nor is it intended to deny anyone the right to use what many people have found to be helpful --- helpful vaping products. But we all hold membership in this society and membership has its price, as Thomas Payne, a famous pamphleteer who lived

long ago, once said those who expect to reap the blessings of freedom must undergo the fatigue of supporting it. And in a democracy, the price that we pay is the fatigue that comes with living with other people and making the compromises necessary to promote the common good.

We share this community with others, and all that we seek to do is to create a legal framework within which businesses and individuals can coexist cooperatively. Last I checked on my way in today, our fellow lawmakers across 46 states and municipalities, Democrats and Republicans alike, armed with the same information that we have considered have chosen to enact legislation that attempts to balance the liberty interests of all who might be affected by this legislation in the interest of protecting the public health.

As an elective representative, I am not sure how, in this moment, I can justify not owning up to one of my most important public responsibilities and acting where government has a clear and legitimate mandate to act in the protection of public health. I intend to support the adoption of bill number 10061-17 and I look forward to my colleagues, men and women of good faith, joining me in supporting this balanced, rational measure. Thank you, Mr. President.

PRESIDENT DEFAZIO: Okay. Representative Ellenbogen?

MR. ELLENBOGEN: Thank you, Mr. President. I have a final point in all of this. To my colleagues who want to talk about the rights of businesses, I'm a big believer, outside of the fact that I do believe that this is a health issue. And I do believe that anyone in this room or beyond that's ill will go see the same individuals for help that told us this is no good.

That being said, there is also the rights of individuals. I have a right to eat my dinner and not have someone vape next to me. The argument of convenience versus the argument of banning, I reject. I recognize the fact that there are some folks that have a very difficult time quitting smoking. I recognize that. I have friends that have that.

All I'm saying to you is I have a right to my personal space. I don't want to eat my dinner with that in my face. You know, I've seen these clouds in my face. You know, in closing, let me say when my 19 month old granddaughter blows her bubbles in my face while I'm

watching the basketball game, I have no doubt that's not going to hurt me, but it does irritate me. So I tell her you know what? You've got to move. That being said, you know, I appreciate the fact that other than the health issue, this is also a personal space and personal right issue also. Thank you.

PRESIDENT DEFAZIO: Representative DeMarco?

MR. DEMARCO: Thank you, Mr. Chairman. I would just like to say I think if this is such a big health issue, and we have this tremendous duty to protect the public from the evils of secondhand vapor, then why do we build 12 exemptions into the bill? I mean, if this is so harmful that we need to protect anybody's exposure, then why do we have exemptions? Why do we say, hey, you know what? Private homes, vehicles, designated quarters and lodging establishments, tobacco shops, workplaces of manufacturers or importers of tobacco or related products, residential long-term care facilities and/or designated smoking rooms they're in, private clubs, charitable fundraisers, areas like exhibit halls if the public is invited into them for the purpose of promoting or sampling tobacco products, cigar bars, drinking establishments, up to 25 percent of the gaming floor at the casino.

So if this is so harmful that we need to protect the public from any exposure to this, then why are we exempting all these other places? And when we talk about fines, Mr. Szefi talked about we set the fines up on this based upon the fines from the Health Department for food preparation, okay. Then why are we extending it to businesses that serve no food?

So I mean, it's just --- what we're talking about here is just that I understand that the thought process behind this is good. Everybody that's come up and spoke on behalf of the ban in saying, hey, I want to protect children from being exposed to this, they all mean well. It's all good. It's just the flaw here tonight is just that the legislation isn't ready for prime time, and I spoke to the administration. I told them, look, I don't believe that it's in our purview to do this. I said if we wanted to do a sense of Council, a motion of sense of Council to send to the legislature in Harrisburg, and say we urge you to act on this, and to legislate this because we believe it's a health issue, then I would support that.

But these are the reasons why when you start to ask the questions about the contradictions in here, this

really should go back to the Health Department. And the problem that we have it's just --- it's a process problem. This isn't something that we have the ability or the luxury to take back to committee, and we can amend because of the process. When it's initiated in the Health Department, they have to start all over again. And I understand the long and laborious process involved, and why they don't want to do it, but also I hope that I've explained why I feel that I can't support it, based upon the flaws that I see in the bill as it sits tonight. Thank you.

MR. KLEIN: Can I say something?

PRESIDENT DEFAZIO: Yeah, go ahead.

Representative Klein, then Representative Catena.

MR. KLEIN: Mr. DeMarco, thank you. I think you raise a good point in that there are a number of exemptions here. But I guess looking at this from a legal perspective, we don't want to close the door entirely on activity that is lawful. So for example, with tobacco, there are lots of exemptions as well. And we know of the deadly effects of tobacco, and yet there are exemptions in the law that allow people to smoke in casinos and in bars that earn most of their livelihood from selling alcohol.

So I think the concern here, I think from a legal perspective, my recollection is that if we close the door entirely, we really do open up ourselves to a challenge based on the overbreadth of the law. So I think that is typically the thinking behind it when exemptions are built into certain laws.

PRESIDENT DEFAZIO: Representative Catena?

MR. CATENA: Thank you, Mr. President. I appreciate all of the points that my colleagues have made this evening, and I'd like to thank everyone on both sides of the issue this evening for providing all of the data to us both in support and against vaping and electronic cigarettes. I also wish to state that I appreciate everyone that have told me their success stories and how using electronic cigarettes and vaping helped them quit smoking or improved their health. I truly applaud your efforts and I wish you much success moving forwards.

Tonight, by me personally supporting this legislation, it's not a vote against vaping. It's not an indictment of you. It's a vote in favor of clean air for the general public. I'm certainly not a legal expert and I respect everyone's opinions, but whether we admit to it

or not, some people choose not to be around individuals that vape or smoke. I would certainly prefer that my son not be exposed to it in a public place and many parents that I've spoken to feel the same concerns.

As an aside --- and I clearly recognize that this is not part of the discussion tonight, but seriously, when you have flavors like bubblegum, cotton candy, blue raspberry and gummy bear, who is really being targeted? The answer is fairly obvious. In summary, my affirmative vote doesn't ask you to quit vaping, or stop using electronic cigarettes, or doesn't outlaw them. It quite simply asks you to be cognizant of the people and families around you, and take them into consideration as well, and be respectful of the public's right to have clean air. Thank you, Mr. President.

PRESIDENT DEFAZIO: Okay. Representative Kress?

MR. KRESS: Okay, yeah. At the committee meeting, I had a question about where do we get the police power to do this? Like there was a pertinent section we never --- I never got the answer to that. Do you have the section code?

MR. SZEFI: The local health administration law is Title 16. Michael, do I have that right? 12,001 --- Section 12010, subsection f, § 12011, subsection C. I'll read it to you if you'd like, Councilman. I have it.

MR. KRESS: Well, yeah, I'm just trying to --- okay. Go ahead. Which one are we reading?

MR. SZEFI: I'll read Section 12011, subsection C, powers and duties of the county Board of Health. The Board of Health shall exercise the rulemaking power conferred upon the county department of health by the formulation of rules and regulations for the prevention of disease, for the prevention and removal of conditions which constitute a menace to health, and for the promotion and preservation of the public health generally. Rules and regulations formulated by the Board of Health shall be submitted to the county commissioners. This is for legislative purposes, that's you --- for approval or rejection. Within 30 days after the receipt of the rules and regulations, the county commissioners shall give written notice to the Secretary of the Board of their approval or rejection.

MR. KRESS: Okay. So basically, based on the evidence we believe it's a menace to the public health, I guess; is that ---?

MR. SZEFI: Yeah, I mean, courts have --- what courts have said is that --- you know --- and when passing regulations like this, you have to provide some sort of nexus to the public health. That's right.

MR. KRESS: Okay. And we never --- I know there was like we had asked about the standard. My only question is --- and we never got to this at the committee meeting and the reason why I wanted to bring this up is that what stops you from like, banning Primanti sandwiches, or no pop or Isaly's chipped ham? I'm just saying my question is, is like where are we going with this? Like, oh, my God, this might be harmful to you. That's the concern over sugary drinks. Like, oh, my God, he's got a big gulp. There's too much sugar in there.

MR. SZEFI: I just want to go on record and say that I am shocked that Ed Kress thinks that Primanti's is a menace to public health.

MR. KRESS: No. I'm just saying, who's to say from stopping it?

MR. SZEFI: I can't believe I heard it.

MR. KRESS: But I'm saying who --- what's to stop it?

MR. SZEFI: What's stopping them is they have to prove an actual, you know, health threat. That's what you have to do.

MR. KRESS: I know, but I'm just saying that my concern is ---.

MR. SZEFI: If they could, then they could do that.

MR. KRESS: Okay. The only concern I had is that, you know, we're saying this is a menace. What's to say --- stopping these other things being added to the list? That's the concern I had. Now back --- okay. I'm done, by the way. Thank you very much for your time. I know people have been here for a while, but my concern is that we've like, demonized nicotine and I don't know if nicotine, in and of itself, is harmful because there's been studies done.

Back in 1966, Harold Kahn, an epidemiologist with the National Institutes of Health, he looked in the data of like 200,000 veterans who served in the military between 1917 and 1940. What he found out is that there was less prevalence of Parkinson's disease because these people, they were smoking, but actually, it was nicotine. And see, here's the thing is nicotine, in and of itself,

there's been studies done show that it actually have a neuroprotective effect with Parkinson's disease.

And also, and again this concerns me again, my mom has Alzheimer's. They've been doing studies with this, with nicotine, and it shows that it could help with Alzheimer's. It can actually prevent you from getting Alzheimer's. Nicotine also helps with people with schizophrenia. There has been a study done, I think 95 percent of people who smoke --- I mean 95 percent of schizophrenics supposedly smoke.

So again, my problem I'm having with this whole thing with the medical establishment is that they're coming in here saying that nicotine can be harmful, but I don't know if exactly that's true. Because it's tobacco itself, based on the studies, it looks like it can be harmful for you because when nicotine combines with other chemicals in the smoke it can make it addictive. But in and of itself, I believe nicotine, based on a lot of studies we're seeing here, can have a positive effect.

And also remember too, nicotine is in eggplant. And when I asked some questions about that at the committee meeting, how much nicotine is bad for you? I couldn't really get an answer to that because are we telling people not to eat eggplant? And that's the concern I have is that what type of science are we looking at? Also, with the Food and Drug Administration, somebody says well, nicotine hasn't been approved as a drug. All I'm going to say with the FDA is EpiPen; okay?

Here's what they've done. They've taken a drug for ephedrine, \$1, and they've charged \$600 for something. And my problem with the FDA is that they're preventing people from taking lifesaving medicine, and my problem is I don't have a lot of confidence in them right now. And I'm just saying I had a lot of people come up and testify and said, hey, I'm helped by these e-cigarettes. They've made my life healthier.

And again, I don't know, based on all the evidence I've looked at if nicotine, in and of itself, is harmful. It actually may have some benefits. And again, again, I am not advocating smoking. I think smoking --- there's enough proof out there that shows it is actually hazardous, but again, are we actually --- are we actually really telling people, you know, the whole truth about, you know, some of these substances like nicotine? Because again, we have a lot of sick people.

Because I can tell you for a fact, Alzheimer's is a menace to the public health; okay? And if there's something out there that's going to help people, why do you keep it in the dark? That's what irritates me about this whole thing. I have a person who lives down the street. They have Parkinson's disease, and I talked to him he said, yeah, I'm going to go talk to my doctor about going on a nicotine patch and his doctor said, yeah, there might be something to this. So my problem is we're demonizing something that may help people.

And again, you may disagree with all the research I've done and what I'm advocating, but from the, I'd say depths of my heart, I truly believe that you know nicotine itself may be a benefit, and I think the e-cigarettes have helped people and I've heard people testify to that. And I have --- we have nobody out there who could say, oh, my God, I got cancer from this. And I go, again, we don't have the evidence, but this is the problem I'm having is you need to have evidence.

And the problem I'm having with our society today, we have too many laws, too many laws. In Latin, Andy may know this, *malum prohibitum*, law --- it's wrong because we say it's wrong by the government; okay? And that's the problem is we should be worried about the big problem in our society, heroin epidemic. How many people are dying every day from heroin overdoses? This does nothing to stop it. How many people break into homes because they have to get their fix because of heroin? We've had people murdered over this. And my fact is we're worried about something to me that's really not a public health thing. I don't think it's a menace to the public health. I really don't. And I'm going to say I am done. Thank you.

DR. MARTONI: Is that a promise?

PRESIDENT DEFAZIO: Okay. I think the last --- oh, Representative Russell, do you want to let DeWitt go first or you?

MR. WALTON: No, I'm done.

PRESIDENT DEFAZIO: Go ahead.

MS. RANALLI-RUSSELL: I just want to disagree with that. I have had umpteen, as I'm sure as everybody else has, million e-mails from both sides, and I feel that I respect the doctors' opinions and their research that they have done. And we, like Pat said, we have an excellent --- people fly their kids from overseas to come

here, to have the care that we give here. And I have to say I support this.

The children is one of my main concerns. And like Representative Ellenbogen said, you're sitting in a restaurant and those vape --- those vape mechanisms, they produce so much. And I've been in bars, and I smoke. I'm a smoker and believe me, if I could --- I've tried vaping and I --- it did not work for me. And my thing with smoking is I had anorexia at one time, and my thing is I don't want to gain the weight. So that's a whole separate issue, but I know what I'm doing is wrong and I respect other people when I am even outside. If I'm at a bus stop, I will not smoke there, because I know there are more people that don't smoke or vape than there are people that smoke, and I respect that in people and I will not do that if they ask me to.

I had a constituent come to me and they said they have asthma. They have breathing problems and this woman worked for the county also. And she contacted me and said she was waiting at a bus stop downtown and they were smoking there. And she kindly asked them to put the cigarette out and they told her --- they kind of threatened her. So she went to the cops and the cops said it's an ordinance. we don't have to enforce it. So I mean what does --- what does that say? That's --- you know, this is supposed to be an ordinance. So there are ways of, you know, not --- they didn't enforce it. Why is that? Because this is not something that --- I don't know how to put this.

We have to move forward, and we have to look at other people, like I said, who do not smoke any type of product. And we can keep going back and forth, back and forth, back and forth, we know. And like Ed, he had --- that's one person that he found that said it's for Alzheimer's. It's good for Alzheimer's. But you don't need to vape outdoors if you're having --- if you have Alzheimer's or Parkinson's, you can do that in the privacy of your own home. You don't have to be outside or you don't have to --- right, you don't have to be outside so I just want to, you know, get this done and over with. I think everybody is nitpicking at every little thing and it's --- it's for the best of everybody in Allegheny County, period. Thank you.

PRESIDENT DEFAZIO: Okay. Seeing no more hands, will you call the roll? This is on 10061-17.

MR. BARKER: Correct, on the motion to approve,
Mr. Baker?

MR. BAKER: No.
MR. BARKER: Mr. Catena?
MR. CATENA: Yes.
MR. BARKER: Mr. DeMarco?
MR. DEMARCO: No.
MR. BARKER: Mr. Ellenbogen?
MR. ELLENBOGEN: Aye.
MR. BARKER: Mr. Futules?
MR. FUTULES: Abstain.
MR. BARKER: Ms. Kirk?
MS. KIRK: No.
MR. BARKER: Mr. Klein?
MR. KLEIN: Yes.
MR. BARKER: Mr. Kress?
MR. KRESS: No.
MR. BARKER: Mr. Macey?
MR. MACEY: Yes.
MR. BARKER: Mr. Martoni?
DR. MARTONI: Yes.
MR. BARKER: Ms. Means?
MS. MEANS: No.
MR. BARKER: Mr. Palmiere?
MR. PALMIERE: Yes.
MR. BARKER: Ms. Ranalli-Russel?
MS. RANALLI-RUSSELL: Yes.
MR. BARKER: Mr. Walton?
MR. WALTON: Yes.
MR. BARKER: President DeFazio?
PRESIDENT DEFAZIO: Abstain.

MR. BARKER: We have eight ayes, five nays, two
abstentions. The bill passes.

PRESIDENT DEFAZIO: All right. We are --- let's
go to 10062-17.

MR. BARKER: A Resolution of the County Council
of Allegheny County, Pennsylvania, authorizing
participation in the 2016-2017 Nursing Home
Intergovernmental Transfer Program proposed by the
Pennsylvania Department of Human Services, authorizing the
transfer of funds as required by the said program and
further granting authorization for any and all lawful
actions necessary to effectuate Allegheny County's
participation in said program. Sponsored by the Chief
Executive.

PRESIDENT DEFAZIO: That will go to budget and finance. 10063-17.

MR. BARKER: A Resolution of the County of Allegheny amending the Grants and Special Accounts Budget for 2017. Submission number 03-17. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: That will go to budget and finance. Okay. At this time here, I would ask --- take --- we'd like to take a recess to go in the back room to discuss a personnel issue. So let's take a break and go to recess and go back and handle that business and come right back.

MR. KRESS: You don't want to finish off the motions?

MR. ELLENBOGEN: Yeah. Why don't you finish off the motions?

PRESIDENT DEFAZIO: You want to do the motions?

MS. KIRK: Yeah. We can do the motions.

PRESIDENT DEFAZIO: Okay. We'll do the motions. 10064-17.

MR. BARKER: Motion of the Council of Allegheny County urging the Port Authority of Allegheny County to reinstate service to Mifflin Estates in order to adequately address the service needs of the population of the West Mifflin Area. Sponsored by Council Member Macey.

PRESIDENT DEFAZIO: You want to make a motion or what do you want to do?

MR. MACEY: Yeah. I'll make a motion that we, as a group, get the Port Authority to move on this issue. We've got problems in the Mon Valley. We've had them ever since the mills shut down. We're looking for jobs. We're looking for ways to get people educated, retrained, and they can't get educated, can't get retrained if they don't have bus service. In addition to that, you know, there's over 200 families in the Mifflin Estates and that's right on a bus line but there's no stop there for them. So you know, there's a lot of reason why we need this and in the interest of time, I'd just like to see this move forward. Thank you.

MR. PALMIERE: Second.

PRESIDENT DEFAZIO: You made the motion second? Under remarks? Seeing none, all those in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT DEFAZIO: Opposed? The ayes have it.

MR. MACEY: Thank you, Mr. President.

PRESIDENT DEFAZIO: Okay. 10065-17.

MR. BARKER: A motion of the Council of Allegheny County amending Article IV, Rule A.6 of the Rules of Council for Allegheny County Council, entitled "Proclamations and Certificates," in order to provide a uniform structure for the formulation and introduction of proclamations and certificates. Sponsored by Council Member Macey.

PRESIDENT DEFAZIO: That will go to the Executive Committee. Pardon me? All right. At this point now, I'd like to take a recess and discuss a personnel issue and return. Thank you.

(Meeting adjourned for Executive Session.)

PRESIDENT DEFAZIO: Back from the recess. We talked about our personnel issues and now we're down to 10066-17.

MR. BARKER: Communication summarizing approved Executive Actions from February 1st through February 28th, 2017.

PRESIDENT DEFAZIO: Someone want to make a motion on that?

MR. BARKER: That will be received in file; correct?

PRESIDENT DEFAZIO: Yeah.

DR. MARTONI: I move we receive in file.

MS. MEANS: Second.

PRESIDENT DEFAZIO: Under remarks? Seeing none, all those in favor ---.

MR. KRESS: Oh wait, we've got to vote.

PRESIDENT DEFAZIO: All those in favor, signify by saying aye.

(Chorus of ayes.)

PRESIDENT DEFAZIO: Okay. No public comment. Now, does someone want to make a motion to adjourn?

MR. KRESS: I'd like to make a motion to adjourn.

PRESIDENT DEFAZIO: All those in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT DEFAZIO: Opposed? The ayes have it.

MEETING CONCLUDED AT 8:32 P.M.

CERTIFICATE

I hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me, and thereafter reduced to typewriting by me or under my direction; and that this transcript is a true and accurate record to the best of my ability.

A handwritten signature in cursive script, appearing to read "Jed Reifer", is written over a horizontal line. The signature is fluid and extends to the right of the line.

Jed Reifer,

Court Reporter