

## **Item 24-1299: Proposed Update to City of Appleton Municipal Code 7-100 (d): Smoking Prohibition Around Valley Transit Center and Appleton Public Library Common Council**

Wed, Oct 16, 2024 7:00PM

### **Mayor Jake Woodford 42:53**

All right, with that go to Board of Health. This is item 24-1299 proposed update to City of Appleton Municipal Code 7-100 D smoking prohibition around Valley Transit Center and Appleton Public Library. We have a motion and a second to approve. We'll open the floor for discussion. Alder Hartzheim.

### **Aldersperson Sheri Hartzheim (District 13) 43:25**

Thank you, Chair. I have deep internal conflict over this particular item. While I very much dislike walking through cigarette smoke, while I dislike secondhand smoke of all kinds, while I used to serve as the treasurer for the Community Action for a Healthy Living nonprofit which worked very hard to move this city to a nonsmoking city, I believe that this smoking prohibition is a step too far.

### **Aldersperson Sheri Hartzheim (District 13) 44:01**

As I was walking in today, I walked from the yellow ramp over, and someone was standing in front of this beautiful new building that's been constructed across from the ramp and across from the library that is eventually going to be the home for some folks and probably some other businesses, etc., and there was a gentleman standing in front of that that building smoking, because, obviously he's not allowed to in front of the Valley Transit building. This particular action will just compound that I believe.

### **Aldersperson Sheri Hartzheim (District 13) 44:35**

I understand that there is some outdoor space where children will be in the library, in the new library. I understand that, again, no one likes to walk through a cloud of secondhand smoke, but I believe that this particular prohibition is just a little bit too much of a government overreach, so I intend to vote against this, and I hope that everybody kind of takes a look at whether this feels like a step too far for the city. I'm sure I'm probably in the minority in that regard, but I—again, I'm not I'm not a smoker and don't enjoy smokers. I mean, not as people, but their habit. But I just feel that this is a step too far. Thank you.

### **Mayor Jake Woodford 45:24**

Alder Heffernan.

### **Aldersperson Patti Heffernan (District 8) 45:26**

Thank you, Chair. I'm going to agree with Alder Hartzheim on this. I am also a former smoker. I no longer can stand the smell of it. I don't like to be around it. However, a large portion of people who use Valley Transit are people who use tobacco, and when they are congregating and socializing together, most of the time they are smoking. This also tends to be, you know, groups of people who are in the, you know, lower income range, who have very few options for, you know, social interaction that doesn't require a payment somewhere of some kind. And the library is another free place for them to be, including, you know, some of our unhoused population, and getting that social need met, that's the way that they do it. Is it the most healthy way ever? No. Is it the most ideal way? No, but I don't think we need any more barriers or any more things for that particular population that is another hassle for them. So, I already know that it has been a struggle with those particular populations just being hassled about smoking on the block of the transit center. And I think if we're just going to

keep pushing that further and further out, this is going to eventually cause some bigger problems that we're probably not going to want to have to deal with. So, I would have to agree. I would vote against this. Thank you.

**Mayor Jake Woodford** 47:04

Alder van Zeeland.

**Aldersperson Katie Van Zeeland (District 5)** 47:06

Thank you, Chair. I actually agreed with my colleagues until I learned more about the proposal, and understanding that federal law does not allow smoking around the transit center made me understand this wasn't a matter of, you know, let's just push it a little bit this way, or push it in front of the ramp. I think this actually makes it easier on, you know, security for the library. I think that it actually gives folks who want to smoke an area where it's allowable, as opposed to near the children's garden which, when I think of that I think of the other laws that we have, like, you can't smoke in a park 20 feet from a playground. You know, I think this is in keeping with that spirit. So, I would ask my colleagues to vote in favor. Thank you.

**Mayor Jake Woodford** 48:01

Alder Wolff.

**Aldersperson Nate Wolff (District 12)** 48:04

Thank you, Chair. I would have to agree with my colleague, Aldersperson Van Zeeland. I think that it's not that far of a walk from the area they're talking about on the ramp isn't that far away, and I think it's not that unreasonable. As a former smoker (and I am 10 months into that journey, so almost a year), I think it's reasonable to ask people to move away from a children's garden and not to be smoking around kids. Or, you know, and maybe we switch that at night; once the library is closed, they can. But I think that it's reasonable to ask people to move away from that. Thank you.

**Mayor Jake Woodford** 48:55

Alder Hartzheim.

**Aldersperson Sheri Hartzheim (District 13)** 48:57

Thank you, Chair. One other thing that I neglected to mention before is that I'm concerned that this might be viewed as a veiled attempt at controlling what types of people are allowed on the library premises, and that very much concerns me. Thank you.

**Mayor Jake Woodford** 49:17

Alder Croatt.

**Aldersperson Chris Croatt (District 14)** 49:18

Thank you, Mayor. Since we're discussing this, I'm curious if anyone can help me understand how enforcement would happen with this. Is—and I'm just wanting to make sure it's not one of those ordinances that is a on the books but not enforced or complaint driven only type thing.

**Mayor Jake Woodford** 49:41

Chief, any thoughts about enforcement? Mic? Which one do you have there? Okay, Chief Olson.

**Police Chief Polly Olson 49:53**

I would imagine that this type of ordinance would likely be complaint driven. Uh, historically, we have not necessarily proactively enforced smoking violations without a complaint unless time allows, but I think in this current climate that it likely would be complaint driven.

**Mayor Jake Woodford 50:20**

Director Rortvedt, anything you'd like to add?

**Executive Director Colleen Rortvedt (Library) 50:27**

Well, I can describe how the existing ordinance has been also enforced, because there is an existing ordinance that restricts smoking on the sidewalk in front of the library as well as within 20 feet of any city entrance. And so generally, what happens is, if you walk by somebody, and if they're moving past, you know, you don't attack them and say "You're not allowed to smoke here." But what you do is you approach somebody if they're standing, obviously taking their time, and you say, "I'm sorry, you probably aren't aware, but you can't smoke here," and it helps if you're able to refer them to a place where they can smoke. But in general, it's completely understood that police have better things to do than to respond to smoking complaint that likely won't be there. It is a kind of confusing dynamic when you have all of these places where people can't smoke. So, then it becomes like, "Where along the sidewalk can I smoke?" So, this is a clear place to say you can smoke over there. It's more specific.

**Mayor Jake Woodford 51:40**

Alder Van Zeeland.

**Aldersperson Katie Van Zeeland (District 5) 51:42**

Thank you, Chair. I just wanted to add I've been the library board representative for a few years now, and I know how seriously staff takes making sure that the library is accessible to everyone. And so perhaps we could have Director Rortvedt talk about that, about why this is—isn't that kind of a policy that is saying, you know, stay away from the library.

**Mayor Jake Woodford 52:15**

Director Rortvedt, any comments?

**Executive Director Colleen Rortvedt (Library) 52:18**

Well, it's in the library strategic plan and in our vision and values that we're welcoming to all. It is a pretty frequent thing that I am defending the presence of people who are experiencing homelessness at the library, and I'll defend that every day. And if you have a problem with people experiencing homelessness at the library, "Do something to help your community," is how I tend to respond. So, this is not a veiled attempt to target specific individuals. This is specific to the rearrangement of the library's infrastructure, the way the parking lot will be changed in terms of the in and out, and making sure that we can have a safe place and a healthy place that isn't filled with smoke by the Children's Garden.

**Mayor Jake Woodford 53:06**

Alder Schultz.

**Aldersperson Alex Schultz (District 9) 53:09**

Thank you, Chair. Possibly some questions for additional clarification myself. It looks like the boundary of the exclusion for prohibited smoking is expanding essentially from near the library entrance and around this transit center to that whole block and a half chunk. Were there any discussions about the people that were typically

used to smoking in that space, pushing them outside the boundary of where they might go? Because I guess I'm feeling the same thing, that those places where they were smoking, they're going to move now to what? Smoking across the street in front of the new developments where we have a lot of new tenants, and now suddenly they're gonna be coming into their new places that's and having to deal with a bunch of people smoking in their brand-new high rise or whatever apartments. That feels a little funky too.

**Aldersperson Alex Schultz (District 9) 53:58**

I guess I'm just curious to know if there were any discussions as this was being sort of defined? Were there any spaces considered for some small accommodations on a corner, maybe way on the on the north side or south side of the library parking lot, or somewhere else near the transit center, another corner that could be designated the smoking area? So, it was more of an embrace of we understand that these people are part of our community. We don't want them here, but here's a spot that we're gonna allow you to do this with some understanding that that's the space to go. It just feels like we're gonna establish this, and now suddenly the community has to adjust, and they're gonna be pushed to the boundaries and have to go into the ramp or in front of the new developments which feels a little funky to me.

**Mayor Jake Woodford 54:44**

To your question about discussions, there were internal discussions about a variety of options, but ultimately, as Director Rortvedt pointed out, the proposal aims to give clarity in terms of what the policy is around the Transit Center and Library. There were not significant discussions of dedicating right of way for designated smoking areas, given the fact that there's still ample right of way where smoking would be allowed in the immediate vicinity of both of these sites. So those—that answered both your questions.

**Aldersperson Alex Schultz (District 9) 55:21**

Thank you. I appreciate the answers.

**Mayor Jake Woodford 55:24**

Alder Hayden.

**Aldersperson Patrick Hayden (District 7) 55:25**

Thank you, Chair. I was curious because I know a lot of those areas are near doorways, and there's state statutes that talk about the distance from a doorway that you have to be when you're smoking, and most of those are 20 to 25 feet. And when you look at the area around the public library, there really isn't much space on the library that isn't within that distance of an entryway. So, it seems like this just is kind of creating a little bit of smaller of a buffer than already exists in state statute. So, I don't see this asking for that much more to where I would vote against this.

**Mayor Jake Woodford 56:11**

Any further discussion. We have a motion and a second to approve. Please cast your votes.

**Mayor Jake Woodford 56:18**

All right, so, so, by virtue of the fact that it's a seven to five vote (we need eight votes to approve anything this, this does fail.