

Item 24-1423: Reconsideration of Item# 24-1299 Municipal Code Update Re: Smoking Prohibition around Valley Transit & Appleton Public Library

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, Nov 06, 2024 7:00PM

Mayor Jake Woodford 12:25

With that, I have no further business to present, so we can move along to public participation. Right. And we have one member of the public signed up to speak. So, Oliver Zornow, welcome. Your name and address for the record.

Oliver Zornow (Building For Kids) 12:41

Sure. My name is Oliver Zornow, [XXXXXX]. I'm just down the road. Tonight, thank you for the opportunity to share. I'm coming to speak to you as a resident of Appleton, as a neighbor of the library, as a donor to the library project, and as a lifelong Appleton, you know, citizen.

Oliver Zornow (Building For Kids) 12:58

We've been talking about this library—I remember making public comment in 2014 about this library project, and I'm very grateful to see something on the agenda tonight, the reconsideration of the Board of Health proposal to make sure our library programming spaces are accessible to all. The proposal got a lot of interesting conversation when it was first considered, and many of those arguments don't really land with me. The idea that curtailing a specific unhealthy behavior in a space that is used for everyone, that is owned by the city, and is for the public benefit, making it somehow less accessible to people, doesn't land with me at all. We curtail behavior in every place, including this space. I would not be allowed to light up a cigarette in your chamber tonight, and that is against the rules of the City of Appleton and the State of Wisconsin.

Oliver Zornow (Building For Kids) 13:14

The library is one is many things to many people, but for one thing, it is, it is a shared safe space for all. And my kids are chomping at the bit to get to that new library. They've been talking about it every day since it closed downtown, and it would be a shame for us to open a new space that we've all invested two decades and millions of dollars in, and not be prepared to activate those spaces because we are unwilling to ensure the safety of everyone participating in the programming offered by the library. Thank you.

Mayor Jake Woodford 13:54

Is there anyone else who wishes to speak on an item that appears on the agenda? Right, hearing none, we will close public participation.

[Cut]

Mayor Jake Woodford 23:36

All right, on to other business. This is item 24-1423, reconsideration of item 24-1299, and is there a motion for reconsideration? We do have a motion and a second to reconsider. Discussion on that. Alder Hartzheim.

Aldersperson Sheri Hartzheim (District 13) 24:04

Thank you, Chair. My reasoning and my information that I presented the last time when we talked about this and voted on this remains the same, but I'm curious about whether alternative, more limited restrictions were entertained in the process of coming to this recommendation from the Board of Health. I would be interested in seeing something much more defined as far as keeping smoking away from the Children's Garden, etc., and the remaining portion of the current Municipal Code which says you can't smoke within doorways, etc., seems sufficient in most ways, so I'm wondering if that came forward and why it couldn't be something that we could do as a city.

Mayor Jake Woodford 25:00

Yeah. So right now what's before the council is the motion to reconsider the item. So, if, if we want to take up that question, if the item is back in front of the council, I would say it would be germane at that time. So right now, the discussion is on the motion to reconsider. Alder Alfheim.

Aldersperson Kristin Alfheim (District 11) 25:24

Thank you, Chair. I would very much like the opportunity to have a conversation about this, and so I would hope that we could support reconsideration.

Mayor Jake Woodford 25:33

Any further discussion on the motion to reconsider? Hearing none we have a motion and a second to reconsider. Please cast your votes. Motion passes 12 to one. That motion has been approved, and the item now can be reconsidered.

Mayor Jake Woodford 25:55

Just to get this on the table, this is item 24-1299, proposed update to the city of Appleton Municipal Code, 7-100 D, smoking prohibition around Valley Transit Center and Appleton Public Library. And we do have a motion and a second to approve. With that we can open discussion. Alder Hartzheim, if you'd like to restate your question.

Aldersperson Sheri Hartzheim (District 13) 26:19

Thank you, Chair. Just what I said before.

Mayor Jake Woodford 26:23

So as was previously discussed when this item was before committing Council, there were discussions about configuration of the area for the smoking prohibition and ultimately, what was recommended to the Board of Health—recommended and approved by the Board of Health—was the prohibition that's before you. Part of the rationale for that was the clarity of the boundary, and that was really the driving consideration when putting forward that recommendation. So, I would say, in terms of relitigating the item, my suggestion to the Council would be if there's an amendment to be brought forward, I would say that would be in order, but I don't want to engage—I'm reluctant to engage in any kind of debate, or to engage staff in debate unless there's a question about the item itself. So, with that, we'll continue discussion, and if a motion comes during the discussion, we'll take that up. Alder Hayden.

Aldersperson Patrick Hayden (District 7) 27:34

Thank you, Chair. I'm little bit bothered that we're prioritizing the rights of smokers to smoke around our library and our transit center over that of children that use these facilities and their ability to not be subjected to secondhand smoke. I'm equally disturbed by the insinuations that have heard around the library being—prohibiting people from being there. I've seen the library as very open place and doesn't discriminate against anyone. As we kind of get into the holiday season, I know I've seen displays for Christmas, Hanukkah, Kwanza,

any holiday you could—Diwali—any holiday you can think of is out there. So, we get into January, we see Presidents Day, Martin Luther King, and it goes on throughout the entire year, where it's just a welcoming place for everyone. So, I see this as not discriminating against anyone, and promoting child welfare. So, I'll be voting for it, and I would hope the rest of you would as well.

Mayor Jake Woodford 28:41

Alder Alfheim.

Aldersperson Kristin Alfheim (District 11) 28:42

So, this—the way, this is drawn, if I were a smoker today, I would find a place to smoke that I would be following the law. That is not going to cut, stop anyone from doing that. This is not an economic situation. Again, smokers going to find a place to smoke wherever it is be legal. So, I would strongly suggest we pass this. We do everything we can not to restrict the rights of our individuals. We do everything we can to protect the rights of our individuals. Weigh out the balances. The answer is, the smoker will find a place to smoke. We must protect the people walking in the library from having to deal with it. So please pass this. Thank you.

Aldersperson Kristin Alfheim (District 11) 28:42

Thank you, Chair. I am a recovering smoker, an excellent recovering smoker, and I once attended a meeting in Des Moines, Iowa. And as a smoker, when you're given a break, you find where you go, and in Des Moines, Iowa, their restrictions are very heavy. I literally, in November, had to walk the equivalent of a half a mile to enjoy that horrible, horrible thing, and I did it willingly and happily because that was my choice. Smokers will find a way to smoke, whether it's walking a block, whether it's walking around a building, they will find a way. And I think that the reality is these parameters are put in place to, one, make it a little bit more restrictive, so we think twice before we take that action and, two, protect everybody else from the habit that we choose to enjoy. That's just common sense.

Mayor Jake Woodford 30:17

Alder van Zeeland.

Aldersperson Katie Van Zeeland (District 5) 30:19

Thank you, Chair. I'll just add to the discussion I had previously that the city is regulated on providing library services to the public. It's not told it needs to make available spaces for public smoking. So, we have to follow our duty. And I also just wanted to add that the American Lung Association did provide a letter. I sent it to Clerk Lynch after—before the election on Tuesday, so it didn't make it into the packet, but I just wanted to let you know that a letter was provided by the American Lung Association supporting the updates to the law. Thank you.

Mayor Jake Woodford 31:00

Any further discussion? Hearing none, we have motion and a second to approve. Please cast your votes. Motion passes 11 to two. The item has been approved.