



City of Madison
Meeting Minutes - Final
BOARD OF HEALTH FOR MADISON
AND DANE COUNTY

City of Madison
Madison, WI 53703
www.cityofmadison.com

Wednesday, September 14, 2005

6:00 PM

Madison Municipal Building, Room 260
215 Martin Luther King Jr. Blvd.

I. Call to Order

The meeting was called to order at 6:05 p.m.

Present: Ald. Judy K. Olson, County Supervisor Jeff Kostelic, Susan J. Zahner, Judith M. Wilcox, Linda D. Oakley, Bill Sonzogni and Alan I. Schwartzstein

Excused: Mark Miller

II. Rules and Procedures for Public Testimony

The Chair reviewed the procedures for public testimony. It was decided to allow 5 minutes per speaker, with a time extension if agreed upon by the Board. Speakers can register up to 8:00 p.m. After ten registrants have spoken, the Board will ask questions of the participants. Written testimony should be shared with Board members not present. Registrants should state their name and address.

III. History of Smoking Ordinances

Two handouts, prepared by Michael May, City Attorney and Tommye Schneider, Director of Environmental Health and Labs, were distributed to the Board and available to the public. The first reviewed the history of smoking ordinances in the City of Madison. The second compared the ordinances prior to July 1, 2005; after July 1; and the effect if the ordinance on repeal were adopted by the Common Council.

IV. Public Testimony on Smoking Proposals

Dr. Linda Oakley left at 6:50 p.m.

Dr. Kathryn Vedder read an e mail from Lauren Cnare, District 3 Alder and a sponsor of the hardship exemption ordinance and advisory referendum proposal

There were 11 registrants to speak, all opposing the 3 smoking ban proposals.

The speakers were:

Frank Salvi - President Elect of the Dane Co. Medical Society, 600 Highland Avenue (business)
Gary Poulson - 637 Charles Lane
Carousel Andrea Bayrd - Representing Smoke Free Wisconsin, 1715 Hoyt Street
Pat Gadow - 3330 Westview Avenue
Maureen Busalacchi - 401 Wisconsin (business), Representing Smoke Free Wisconsin
David Ahrens - 1821 Rutledge Street
Cathy Swanson-Hayes - 3915 Yuma Drive
Pat Remington - 1214 Dartmouth Road
Michael Fiore - 1107 Rutledge Street
Tim Wong - 161 Jackson Street
Janet Piraino - On behalf of Mayor Cieslewicz

The following handouts were provided to be part of the record:

Written testimony of Maureen Busalacchi
Written testimony of Pat Gadow
Graph on California Bar Revenue: 1990-2000 and New York City Hotel/Retail Revenue 1988-1990
Air Quality in Madison, Wisconsin Taverns and Bar Restaurants, June 2005
Adult Tobacco Use Levels After Intensive Tobacco Control Measures: New York City 2002-2003
Memo from Mayor Dave Cieslewicz, read by Janet Piraino, Mayoral Chief of Staff
Letter from the Chair of the Latino Health Council
Electronic mail from Lauren Cnare, District 3 Alder

There were 17 registrants who did not wish to speak. Fifteen opposed all 3 smoking ban proposals.

Amy Pumper - 226 Randolph Drive, Apt. 209B
Paul Uebelher - 341 Riverside Drive
Nicole Schulte - 2211 Keyes Avenue
Nancy Michaud - 2112 E. Main Street
Maxwell G. Schulte - 2211 Keyes Avenue
Greg Schulte - 2211 Keyes Avenue
Audrey Schulte - 2211 Keyes Avenue
Ryan Sheahan - 226 Randolph Drive, #209
Jean MacCubbin - 3530 Health Crest
Jill Ness - 2410 Upham Street
Dawn Berney - 2201 West Lawn Avenue
Melanie Foxcroft - 5710 Hammersley Road
Peter Rafferty - 2410 Upham Street
JoAnn Wagner Noval - 21 W. Newhaven Circle
Nate Altfeather - 18 S. Orchard Street

Fawn Houck - 212 Merry Street - Neither support nor oppose the advisory referendum, oppose the 2 ordinances

Bruce Stoflet - 33 Harding Street, oppose the advisory referendum and supports the 2 ordinances

A question was asked on how to provide help to taverns losing business. Suggestions include promoting the smoke free environment to bring more conventions into the city and bringing in a business consultant to help with a business plan. Another question was if any existing smoking ban ordinance in other municipalities had been repealed or weakened. The reply was that in the 185 cities that have restricted smoking in bars, not one has been repealed or weakened.

Present: Ald. Judy K. Olson, County Supervisor Jeff Kostelic, Susan J. Zahner, Judith M . Wilcox, Linda D. Oakley, Mark Miller, Bill Sonzogni and Alan I. Schwartzstein

A

Amending Sections 23.05(1) and 23.05(3)(c), repealing Sections 23.05(3)(s), (t) & (u) and amending Section 23.05(7) of the Madison General Ordinances to eliminate prohibition of smoking in certain public, non City-owned places.

The Board of Health for Madison and Dane County moved to support the current smoking ban ordinance and recommend to Common Council to reject this proposed ordinance.

A motion was made by Zahner, seconded by Sonzogni, to RECOMMEND TO COUNCIL WITH THE FOLLOWING RECOMMENDATIONS - REPORT OF OFFICER for September 15, 2005. The motion passed by acclamation.

RECOMMEND TO COUNCIL WITH THE FOLLOWING RECOMMENDATIONS - REPORT OF OFFICER

Present: Ald. Judy K. Olson, County Supervisor Jeff Kostelic, Susan J. Zahner, Judith M . Wilcox, Mark Miller, Bill Sonzogni and Alan I. Schwartzstein

Excused: Linda D. Oakley

B

Creating Section 23.05(7)(f) of the Madison General Ordinances to create a hardship exemption to the smoking regulations for taverns which meet certain requirements.

The Board of Health for Madison and Dane County moved to support the current smoking ban ordinance and recommend to Common Council to reject this proposed ordinance.

A motion was made by Zahner, seconded by Sonzogni, to RECOMMEND TO COUNCIL WITH THE FOLLOWING RECOMMENDATIONS - REPORT OF OFFICER for September 15, 2005. The motion passed by acclamation.

RECOMMEND TO COUNCIL WITH THE FOLLOWING RECOMMENDATIONS - REPORT OF OFFICER

C Establishing an advisory referendum on Madison's Smoking Ban.

The Board of Health for Madison and Dane County moved to support the current smoking ban ordinance and recommend to Common Council to reject this proposed resolution.

A motion was made by Zahner, seconded by Sonzogni, to RECOMMEND TO COUNCIL WITH THE FOLLOWING RECOMMENDATIONS - REPORT OF OFFICER for September 15, 2005. The motion passed by acclamation.

RECOMMEND TO COUNCIL WITH THE FOLLOWING RECOMMENDATIONS - REPORT OF OFFICER

V. Discussion and Action on Smoking Proposals

Board members prefer not to see the current smoking ban weakened, as it is the responsibility of the Board of Health to make recommendations that protect the health and safety of citizens. While there was no consensus to support a hardship exemption, the effect that this change is having on businesses and employees was acknowledged by some Board members. Others felt a hardship exemption could defeat the purpose of the ordinance and that it creates an uneven business environment. It was noted that it appears mostly bars in the periphery of the city are being affected. The future probably is adoption of similar ordinances in the rest of Wisconsin, including surrounding communities, and from a public health perspective this is something the Board actively favors.

Motion by Zahner/Sonzogni that the Board of Health for Madison and Dane County support the current smoking ban ordinance and recommend to Common Council to reject these proposed ordinances and resolution.

Motion by Zahner/Sonzogni that the Board of Health for Madison and Dane County encourages the Dane County Board of Supervisors and governing bodies of all incorporated municipalities in Dane County to pass ordinances similar to that passed in Madison banning smoking in places of employment.

VI. Adjourn

The meeting was adjourned at 7:50 p.m.