

PROCEEDINGS OF THE BOARD OF HEALTH MEETING
Monday, February 19, 2007
5:15 PM

Present: J.J. Tibbetts, MD., Joe VanDeurzen, Don Murray, Mary Scray
Excused: John Kirchner
Guests Present: Mary Ann Berger, Taku Ronsman, Audrey Murphy, Harold Pfothenauer
Staff Present: Judy Friederichs, John Paul, Nicci Beeck, Marty Adams

1. CALL TO ORDER

The meeting was called to order at 5:30 PM.

Members and guests introduced themselves.

2. APPROVAL / MODIFICATION OF AGENDA

Judy suggested moving #6 in front of #5.

MOTION: To approve the agenda as modified. Van Deurzen / Scray

MOTION CARRIED

3. APPROVAL OF MINUTES OF DECEMBER 11, 2006

MOTION: To receive and place on file Van Deurzen / Scray

MOTION CARRIED

4. "REQUEST FOR EXEMPTION" DRAFT FROM CORPORATION COUNSEL RE: ODOR VIOLATIONS WITHIN THE NUISANCE ORDINANCE, CHAPTER 38.01(4) OF THE BROWN COUNTY CODE OF ORDINANCES

Judy stated that an "Enforcement Committee" workgroup meets periodically to address issues related to enforcement in an effort to get advice from experts in the community including Dr. Tibbetts, law enforcement, attorneys, etc. The revised odor component of the nuisance ordinance was discussed at the last meeting of this group. The group felt



that it would be helpful to have a formal method for businesses to request an exemption to this ordinance. A draft was prepared by Corporation Counsel. Judy distributed the draft to Board members (attached). She stated that she had discussed with Dr. Tibbetts and John Paul the section of the form draft that indicates that a deposit will be made. She does not foresee ever charging someone to make such a request. Another area of discussion was the statement that the exemption is for 96 hours – should an option to renew the request be included on the form? Joe recommended deleting the 96-hour statement and have Health Department staff approve a time frame for each request as they see fit.

Board members discussed whether it is necessary to include the section of the form requesting a deposit from the business requesting the exemption. The group agreed that it is not necessary to request a deposit.

MOTION: To approve the exemption request as modified, including removal of the 96 hour time limit and removal of the deposit requirement.

Van Deurzen / Scray

MOTION CARRIED

5. HEARING AND VISION PROGRAM UPDATE

An update was given to those present prior to the meeting reaching quorum.

6. CLEAN INDOOR AIR – GENERIC RESOLUTION (NOT BILL-SPECIFIC)

Judy stated that, with all of the activity around smoke-free ordinances she felt that it was important to address the issue as a Board. Tobacco control is one of the three public health priorities that the department is charged with addressing. We cannot overlook the importance of this to the health of our community. She stated that she feels that it is important for the Board to make a generic statement supporting tobacco control. She clarified that the Board of Health does not have the authority to make a resolution but can pass on a recommendation as they see fit. Reference materials related to the burden of tobacco in Brown County and the role of the department were sent to Board members with the agenda for this meeting.

Joe stated that he cannot support this document as presented. He further stated that a smoking ban must be at the state level, and that he is supportive of such a state-wide initiative. He believes that the Board should send a letter to Governor Doyle supporting the mandate for a state-

wide smoking ban in Wisconsin. He further stated that he would support actually naming the state bill in such a letter.

Judy said that the document was not intended to preclude the Governor's proposed statewide ban. Joe stated that, when the statewide ban passes there will surely be exceptions such as sports bars – so local efforts will need to be consistent with those exceptions.

Mary stated that she also will not support a resolution or recommendation. She believes that the role of the Health Department is to provide education regarding the dangers of tobacco. She would need to see a letter such as the one Joe is proposing before she would agree to support it. She feels that we should not be putting any more restrictions on business owners in the state. She stated that smoking is a personal choice and the burden should not be put on the employer.

Joe repeated that a letter of support for smoke-free workplaces in the state of Wisconsin would be the way to go.

MOTION: To suspend the rules so that guests may speak.
Van Deurzen / Scray

MOTION CARRIED

Nicci Beeck, Coordinator of the Brown County Tobacco-Free Coalition: Nicci distributed information to members of the Board and guests. The information included the benefits of an increase in the cigarette tax, a smoke-free dining guide put together by the coalition and information regarding the effects of smoking.

Marty Adams, Public Health Sanitarian: Marty stated that he is required to go into smoking environments every day as a condition of his job. He has asked a number of business people if they can tell him of one customer who would not continue to come to their establishment if there were a smoking ban. He agrees that the ban needs to be state-wide and that no customers would be lost if the playing field were equal. A number of the business owners he has talked with are hoping for a state-wide ban. This would reduce the cost of doing business by reducing the amount of cleaning and repairs related to smoking. He has been told by a hotel owner that the additional cost of renting a room to a smoker is \$6 to \$8 – this additional cost is subsidized by non-smokers who stay in the same hotel. He talked to another business owner who is 47 years old and recently incurred over \$125,000 in smoking-related medical bills that had to be absorbed by his own self-funded insurance. This business owner stated that he would previously have argued against a smoking ban because of the effect on his business – but the cost of smoking related

illness far outweighs any business he might have lost due to a ban. Marty stated that there are a number of long-term, very well-run businesses that are very supportive of a state-wide smoking ban.

Harold Pfothenauer, funeral home owner: Harold stated that his funeral homes have been smoke-free for the last 18 years. He found that the work and cost associated with allowing smoking in his facilities was exorbitant. Carpets and draperies had to be repeatedly cleaned or replaced. He feels that he has reduced his cleaning costs by 60%. He went to the home of a man who died and was overwhelmed with the smell of smoke inside the home. When the man's wife came to the funeral home later, she commented on how clean and fresh the environment was. He stated that he empathizes with business owners but is concerned with the health and safety of the public.

Audrey Murphy: Audrey stated that, whatever the Board chooses to do it needs to be something effective. She stated that she questions the opinion of Corporation Counsel that the Board of Health cannot put forth a resolution. If it isn't possible, a letter of support would be the best thing. She agrees that it needs to be a state-wide effort. She said that involving local legislators is also a possibility.

Taku Ronsman: Taku stated that it doesn't matter whether it's a resolution or a letter; the Board of Health is expected to make recommendations on public health issues – and this is a very important one. She said that she wonders if there is a conflict of interest within the Board. Recommendations should be made based on public health, not on business principles or how it will affect my bottom line. She would like to formally request an examination of Mr. Van Deurzen's relationship with the Tavern League or Restaurant Association. Mr. Van Deurzen stated that he is in support of a statewide ban and does not represent either of those organizations.

Taku stated that she has had to quit jobs in the past because of exposure to smoke and was told that it was just part of the environment and she should quit if she doesn't like it. She stated that the Health Department would not allow a business to serve uncooked chicken or food tainted with salmonella – this is just as much of a public health issue as either of those things. She further stated that anyone wanting to debate the business effect of a ban should study the facts in places like Appleton where people are standing in line for liquor licenses. She feels that the Board should unanimously support a recommendation. She stated that businesses don't need the Board's help – they need a public health standard to be set.

Dr. Tibbetts stated that, for clarity everyone on the Board supports a statewide smoking ban. He said that he did not hear Mr. Van Deurzen

state that he supports any exceptions to that ban. Mr. Van Deurzen agreed.

Mary Ann Berger: Mary Ann stated that she worked in a bank many years ago. She couldn't stand the smoke in the environment she worked in. She went to the bank president who asked her to put on a smoking program. Later, the president banned smoking in the bank. Mary Ann stated that she cannot go into any establishments that allow smoking and that there are millions of people like her. She stated that she hopes the board supports a statewide ban because it is so important.

Marty Adams: Marty stated that he went through his district which includes the areas from Ashwaubenon to Hollandtown. There is a 7-10% turnover in licensed facilities each year. Some months he only has 1 or 2 facilities that have been in business for 10 years or more. When someone tells you that this will put people out of business, you need to recognize that these businesses change hands constantly. What does put some of these people out of business is that they don't pay attention to the additional costs related to allowing smoking.

Nicci Beeck: When you hear the argument about business owners' rights, remember people like Marty and Nicci, the delivery people, etc. who don't choose to work in smoky environments but are subjected to it anyway.

MOTION: To return to the regular order of business. Van Deurzen / Scray

MOTION CARRIED

MOTION: To draft a letter of support to the Governor and copied to the Board of Supervisors, the County Executive and local legislators in support of a smoke-free work environment as a state mandate.
Van Deurzen / Murray

MOTION CARRIED

Mary asked that a copy of the letter be sent to Board of Health members before it is sent out. Judy said that a draft would be emailed to Board members with a deadline set for comments prior to the final version.

Mary stated that she needed to leave for another meeting (6:30PM). She asked if the next meeting could be held on the 9th or 10th of April rather than the 16th. Board members agreed that the next meeting will be held on the 10th for the month of April. After that, the Board will decide on the timing of future meetings.

7. COMMUNICABLE DISEASE UPDATE

Judy reviewed a number of difficult TB cases that Health Department staff are currently working with.

MOTION: To receive and place on file. Van Deurzen / Murray

MOTION CARRIED

8. DIRECTOR'S REPORT

Nothing further to report.

9. ANY OTHER BUSINESS AUTHORIZED BY LAW

None

10. ADJOURNMENT

MOTION: To adjourn (6:38 PM) VanDeurzen / Murray

MOTION CARRIED