



Tuesday, March 24, 2009

Verona imposes stricter smoking ban

Outdoor patios, hotel rooms won't be exempted

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A former Verona alder earned a Joe the Plumber moment during the city's debate over the smoking ban Monday.

After Mike Goetz implored the Common Council to "be strong" and resist the peer pressure put on by surrounding municipalities that have gone smoke-free, his sentiment was repeatedly used by alders as inspiration to do the opposite. Verona not only banned smoking in the city as of Aug. 15 but eliminated almost every exception that had been written into its proposed ordinance.

"If you want to be strong, as Mike says, I will be," said Ald. Louie Eifert (Dist. 1) after boldly proposing an amendment to scratch exceptions 2 and 3. Those would have permitted smoking in outdoor patios or volleyball courts, as well as in a limited number of hotel rooms.

So with the ban itself already a foregone conclusion - it was adopted unanimously - the elimination of exceptions sparked the most intense debate of the night.

Nonetheless, it passed by a clear 6-2 margin, which had to come as a shock to many, particularly after a caucus of local smoking ban advocates and opponents had carefully crafted those compromises and after all but two alders had professed their support for at least the patio exception when surveyed by the Verona Press barely a week earlier.

Ald. Mac McGilvray (D-1) had been the only strong opponent of all exceptions to that point, and he opened the council's debate on the issue Monday with an impassioned monologue that made it seem as if he'd spent the past 20 years bottling up his feelings on the issue.

"My kids today find it completely incomprehensible that this is a discussion we're still having," he said. "Our children are far smarter than we are."

Can I smoke there?

Indoors

Public buildings No

City buildings No

Workplaces No

Restaurants No

Taverns No

Bowling alleys No

Hotel rooms No

Private homes Yes

Private day cares No

Outdoors

Private yards Yes

City streets/sidewalks Yes

Parking lots Yes*

McGilvray acknowledged the libertarian arguments in favor of preserving individual rights but pointed out that all such rights have limitations.

"As a person who used to chew, I understand how difficult it can be to deal with addiction to tobacco," he said. "But if, when I was chewing, I walked into a bar and spit in someone's lap ... I can guarantee you there is no one who would tolerate that for any length of time. Smoking is no different."

Ald. Scott Manley (D-2), an employee of the pro-business group Wisconsin Manufacturers and Commerce, expressed disappointment that the council had decided to ignore the needs of local businesses, but he also was concerned that people might huddle in groups just outside the 15-foot forbidden radius of each establishment's entrance.

"It's far better for everyone to cordon off an area," he said.

Ald. Ken Harwood (D-4) pointed out that one can see that play out right now on State Street.

"There is the gauntlet you have to go through to go into these places," he said. "I see this (exception) as an opportunity to herd them."

But Manley and Harwood were on their own after at least four alders changed their minds and decided not to support any exceptions besides smoking in private residences. They also took the decision out of the hands of the Parks, Recreation and Forestry Commission at the request of Parks members who didn't want to subject unelected commissioners to the same sort of public pressure they'd been feeling.

By the time Ald. Rick Streich (D-3) said a ban with an outdoor exception would almost be worse than no ban at all, a couple of self-proclaimed smokers left in a huff, knowing their cries would go unheeded.

But if alders' comments were to be believed, the past three months really have been a textbook display of the power of our democratic republican system of government. Pestering and cajoling by hundreds of smoking ban advocates - plus an 1,100-signature petition - led to not only swift action but clearly influenced alders into making bolder decisions.

Ald. Clark Solowicz (D-1) was a perfect example, having started on the side of a simple, "clean" ordinance with no exceptions. After the Public Safety and Welfare committee had finished its first discussion of the subject just over two weeks ago, his stance had softened considerably, and he was open to most exceptions and even extra time for some businesses to adjust.

But by the time the council voted Monday, he had heard enough from the community to feel comfortable sticking to his guns.

"I, too, have had several phone calls at home at night, I've had people come right up to me. ... I've had people call me on my work phone," he said. "People are just tired of the situation they're in and want a smoke-free environment."

Ald. Brad Stiner (D-3) said the ban has stirred up his district more than anything he's ever seen, and the only argument foes could come up with was cliches about individual rights.

"I've heard my constituents speak," he said.

Some of the council's constituents spent more than half an hour sharing their feelings on the topic during the public comment portion of the meeting.

Two, including Goetz, argued that any ban would be going too far in attacking civil liberties, while others asked for a ban with no exceptions and shared personal and anecdotal stories of smoking-related tragedies.

Wildcat Lanes owner John Meyers accepted the inevitability of the ban and simply asked for more time to adjust. But McGilvray looked directly at Meyers and fellow opponents after declaring that people in his district have been clamoring for a ban for almost a year - since neighboring municipalities fired the opening salvos in the local war on smoking.

Verona is the fifth city in Dane County to go smoke-free, and its effective date will coincide with that of the county's own ban, enacted last summer.

"They say, 'We've been saying smoke is bad for years,'" McGilvray said. "People who work in those establishments and talk to me off the record about it ... they want it now."

Outside of buildings Yes**

Outdoor patios No

City parks No

Sports arenas No

Gathering areas No

Serving lines No

Beer tents No

* City property excluded

** Prohibited within 15 feet of an entrance

The smoking ban ordinance in its full form can be viewed at www.ci.verona.wi.us.

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