

**MINUTES OF THE BOARD WORKSHOP OF THE MAYOR AND THE BOARD
OF TRUSTEES OF THE VILLAGE OF WOODRIDGE, ILLINOIS, HELD ON
SEPTEMBER 1, 2005 IMMEDIATELY FOLLOWING REGULAR BOARD
MEETING**

I. CALL TO ORDER

Mayor Murphy called the Workshop of the Mayor and the Board of Trustees of the Village of Woodridge to order at 8:14 PM.

II. ROLL CALL

Upon roll call by Clerk Nystrom the following individuals were:

Present: Trustees Brandt, Frank, Curran, Kagann, Wood Clerk Nystrom and Mayor Murphy

Absent: Trustee Beavers

Staff Present: Administrator Perry, Assistant Administrator Halik, Ms. Freischlag, Mr. Mays, Chief Herron, Mr. Modaff, Mr. Black, Ms. Cedillo and Ms. Bohse

III. ACTIVE AGENDA

A. Goal Setting Homework Items:

For the purposes of proceeding Mayor Murphy stated that he would like to turn the Workshop over to Administrator Perry. Prior to Mr. Perry's discussion Mayor Murphy noted that items 8, Trustee Frank's suggestion to provide financial incentives to smoke free restaurants, and item 9, Trustee Brandt's request to obtain information from communities that have banned smoking, will be discussed first for the consideration of Residents and Guests who are attending regarding these matters.

Mr. Perry thanked Mayor Murphy. He explained that for the benefit of the guests present, he would like to recap the purpose of this Workshop. He stated that this is the second meeting discussing a new element of the Strategic Management process. He noted that the Strategic Management process is something that the Staff and Board go through each year to keep focused on the Village mission and the approximately fifteen goals that shape that mission. He explained that each year the Board goes into a Goal Setting Session. The purpose of this session is to identify goals that the Board wishes to have incorporated into the budget. Mr. Perry clarified that the purpose of the homework list is to make the Goal Setting Session more effective. He stated that this list allows Staff to provide background information related to the issues on the list. He noted that the Board is about half way through the discussion of the homework items. He explained that the purpose of the discussion is to identify the strategic impact these items might

have, to discuss what research might need to be done, to identify the cost, and to determine the benefit they might have on the Village mission.

Smoke-free establishments:

Mr. Perry noted that two items on the list deal with smoking regulation in the Village. He explained that the first of these items is to provide financial incentives to smoke-free restaurants and the second item is to obtain information from communities that have banned smoking. He noted that the second item is in conjunction with considering a smoking ban. Mr. Perry asked Trustee Frank or Trustee Brandt to describe their suggestions and try to provide information related to the evidence that reveals a problem being addressed by the item.

Trustee Frank explained that on a personal level she would like to see all public places as smoke-free. She feels this is on the horizon in the State of Illinois and is best dealt with on the State level. She explained that there is a stigma attached to this issue. She made the point that as a representative of the Village of Woodridge, she represents the Business Community along with the Residents. She explained that she feels there may be some significant problems in placing the burden of smoke-free mandates on our business community. She would like to see financial incentives rather than mandates. This would allow businesses to take the initiative and risk of going smoke-free on their own.

Mr. Perry clarified that although smoking may be a problem there is an additional underlying problem in mandating smoke-free businesses.

Trustee Frank agreed with Mr. Perry's clarification. She explained that she doesn't feel comfortable in telling businesses that they have to take the step of becoming smoke-free but that she would like to give them incentives to do so. She noted that this would leave the final decision up to the business owner.

Mr. Perry inquired as to Trustee Brandt's reasons for asking for information from communities that have banned smoking and possibly considering a smoking ban.

Trustee Brandt explained that discussing smoking regulations or bans is not as drastic as it may seem to be. He informed those present that until last month municipalities could not regulate smoking because of a quirk in the Illinois Clean Air Act. He explained that now that the legislature has fixed that quirk. He stated that regulating smoking is a matter of public health.

Trustee Brandt made the following statement as an example. "Let's say that the village took air samples from a building of a company in Internationale Centre that makes widgets. The readings came back showing 4,000 chemicals, 200 poisons and 69 cancer causing agents including tar, carbon monoxide, formaldehyde, acetone, methanol and hydrogen cyanide. What would we do? We would simply shut the building down, not letting any employees or customers

return until it was made safe. No one would blink an eye because it was clearly done in the name of public safety. We would not allow the company to permit poisonous air in one section of the building where only a few employees or customers were. Nor would we allow that company to allow that poisonous air during a late shift when only some employees or customers were exposed to it, because all employees and customers deserve to breathe clean, safe air regardless of where or when they work.

The widget company may offer to install a ventilation system that is reported to clean the air, but ventilation systems only remove the smell from the air, it does nothing to remove the cancer causing agents from the air. This creates a poisonous area that smells better, not good enough when it comes to protecting the health and safety of company employees and customers. It wouldn't matter that the widget company complained that it would lose money if it could not make its widgets while the company was shut down. Or that the Village would not receive sales tax revenue from the widgets not being sold while the building was shut down. Protecting the health of company employees and the public is much more important than company profits or municipal tax revenue."

Trustee Brandt pointed out that smoke from cigarettes includes the same chemicals that he mentioned in his earlier example. He quoted the director of the American Lung Association stating that, "everyone deserves a clean safe workplace. The expectation to breathe clean, safe air is no different than the expectation to drink clean, safe water."

Trustee Brandt quoted various other sources defending smoke-free regulations. He noted various locations where revenues were not affected by smoking bans. He explained that there were two examples of establishments where smoking bans hurt businesses, both of these classifications of establishments did not exist in Woodridge.

Trustee Brandt noted that every municipal leader of all communities in DuPage County received an e-mail from him regarding this discussion tonight. He stated that they will be watching to see what Woodridge does.

Trustee Brandt suggested working with the Woodridge Chamber of Commerce to see what Woodridge can do to ease the fears of the Business Community. He also suggested signs advertising a smoking ban placed at every entrance and exit to Woodridge to inform patrons that Woodridge businesses are safe establishments. He recognized that smoke free establishments might lose some customers that are smokers, but stated that those seats will be filled with non smoking patrons.

Mr. Perry stated that he will summarize Trustee Brandt's and Trustee Frank's statements to ease future discussions of this matter. He clarified that Trustee Brandt sees the problem as smoke in enclosed establishments in Woodridge. Trustee Brandt and Trustee Frank both agreed that smoke is the problem.

Trustee Frank clarified that her comments were under the impression that the Business Community would be on board with this smoking ban. She suggested that if the Chamber of Commerce finds that there is no support for such a ban that she would not like to move forward.

Mayor Murphy shared an e-mail from Rich Moore, Owner of the Corner Clubhouse. The e-mail shared Mr. Moore's concerns that customers will go to neighboring communities where smoking is permitted unless there is a statewide ban on smoking. Mr. Moore's e-mail stated that he is opposed to the ban due to his investments in smoke removing equipment.

Trustee Brandt commented that the smoke removal systems in the Corner Clubhouse are a joke. He explained that the ventilation systems remove the smell of smoke but not the harmful components in the air. He took the stance that, the profits of a business should not be put before the health of employees and customers of that business.

Mayor Murphy turned to Mr. Perry for Trustee Beaver's perspective on this issue. Mr. Perry noted that Trustee Beavers felt that businesses should be allowed to make this decision on their own. Trustee Beavers referenced case studies of a few Wisconsin municipalities where there was significant financial loss due to smoking bans.

Trustee Kagann inquired about businesses that rely on smoking as a business, such as a cigar bar. He asked if there would be an exemption to the smoking ban in these cases.

Mr. Perry noted that this is something that would be considered if this smoking ban is discussed further.

Trustee Brandt agreed that if a business's revenues are dependent on the sale and use of tobacco products that an exemption would be in order. He explained that if a business is selling tobacco as their main product, employees and customers are aware of what they are getting into. He noted that restaurants and bowling alleys do not depend on the sale of tobacco to remain in business.

Trustee Wood noted the presence of Edie Bernstein, Executive Director of the Woodridge Chamber of Commerce, and inquired if there was a feeling as to how Woodridge Businesses would react to a ban.

Ms. Bernstein indicated that she was waiting to contact businesses until the Village made the request for her to do so.

Trustee Wood noted that he would like to get some information from the Chamber of Commerce to determine how Woodridge Businesses feel about the smoking ban.

Mr. Perry inquired if Trustee Wood would like that information to be included in the analysis and information provided to the Board.

Trustee Wood noted that it is part of the information.

Trustee Brandt noted a packet that he put together (a copy of which is on file in the Clerk's Office). He explained that it contained 35 e-mails from Woodridge Residents and some Elected Officials, 30 of these e-mails supported the ban and 5 were against. He noted that this was an unscientific poll.

Trustee Curran explained his concern that Woodridge would be putting their businesses at a competitive disadvantage. He stated that he agrees with Trustee Frank that this matter is best dealt with on a State level but that the state has passed the decision on to municipalities. He also agreed that this issue is better addressed with an incentive for businesses to go smoke-free rather than a mandate to do so.

Mr. Perry summarized that Trustee Curran would not be in favor of a smoking ban unless it was something that has the support of Woodridge Businesses or gives incentives to businesses for choosing to go smoke-free.

Trustee Curran clarified that he is not in support of a smoking ban but would like to hear what Woodridge Businesses would have to say about it. He noted that he feels a Village Ordinance would give business little support in retaining their smoking customers. He noted that a regional ban might make the transition easier on businesses.

Trustee Brandt asked Trustee Curran to clarify what he meant by the State passing the decision on to municipalities and asked why he is trying to pass the decision on to the region.

Mr. Perry noted that this discussion is meant to give the Staff further direction on analysis needed to move forward. He explained that, at this point, each Trustee's opinion will allow for a well rounded approach to moving forward.

Trustee Brandt noted the success of communities that have gone smoke-free and stated that Trustee Curran's concerns are misplaced. He explained that Woodridge would not let restaurants serve poisoned water and asked why Woodridge allows restaurants to serve poisoned air.

Trustee Curran explained that Trustee Brandt's examples include municipalities that had restaurants who chose to go smoke-free prior to the ban. He noted that

the success of these smoke-free restaurants eased the minds of other establishments prior to the ban. He stated that he would like to see this in Woodridge.

Mr. Perry noted that there can be 500 contaminants in water but that water is still served. He noted that these kinds of details are not needed at this point of the discussion. He clarified that he is looking for what is seen as the cause of the problem and what analysis the Board would like to see prior to making a decision.

Trustee Curran noted that feedback from the business community would be helpful. He explained that Trustee Brandt's packet is good information but selective information. He stated that he would like to see both sides of the smoking ban.

Mr. Perry also noted that he heard the need for regulated smoking bans impact on businesses versus the incentives to go smoke free.

Trustee Curran affirmed the need for this information.

Mayor Murphy explained that he heard the need for exemptions to this ban. He inquired if the Board would like more information on the ban including exemptions.

The Board agreed.

Mayor Murphy noted that Trustee Brandt, Trustee Wood and Trustee Kagann all requested more information prior to considering a smoking ban in Woodridge. He stated that Trustee Beavers, Trustee Frank and Trustee Curran all inquired about financial incentives to going smoke free and requested feedback from the business community.

Mayor Murphy explained the he would not like to clear the air on the issue but quoted the Naperville Sun. "As the number of people who smoke declines and it is declining, those who are bothered by smoking in the restaurants they patronize ought to make sure that the management understands that...If they feel strongly about it, they ought to make sure that management knows why they are not coming back...Whether a restaurant allows smoking or not should be a market decision and not one made by the City Council." Mayor Murphy noted that this editorial was in reference to Naperville. He also noted an editorial in the Daily Herald and quoted, "A regional ban in which several neighboring communities act simultaneously to prohibit smoking would make more sense. What makes the most sense though is for restaurants to ban smoking on their own and get the strong endorsement of groups like Smoke Free Naperville. They would promote them towards an even better profitability." Mayor Murphy explained that newspapers obviously have opinions that do not necessarily reflect entire communities but nonetheless the press has taken an interest in this issue.

Mayor Murphy also quoted an e-mail from a resident of Lisle who spoke of the concern that government officials continue to infringe on the rights of individuals. This resident was not speaking as a smoker or non-smoker, but as a resident concerned with the continual infringement on the rights of individuals by the government. This resident noted that the sale, purchase and consumption of tobacco products remains legal and until that legality changes no one should be permitted to enter a business establishment and prohibit a legal activity. This resident noted that he or she makes no judgment on the sensibility of smoking but only comments on the legality of smoking. The resident noted their membership in the military, but spoke of their new found apprehension of government's intrusion into areas that they have no business mandating. This resident asked that his thoughts be considered and presented to the Village Board.

Trustee Brandt commented on this e-mail. He stated, "When one person's smoking causes another person significant risk of disease and death, government must act." He explained that smokers have the right to poison themselves but they do not have the right to poison other people. He referenced the harmful chemicals in second hand smoke and asked what gives smokers the right to blow that in his face. He noted that he e-mailed this question to the author of the e-mail referenced above and did not receive a response.

Mayor Murphy noted that part of his concern is the time of this effort and the prioritization of our goals. He explained that these are worthy goals, but inquired as to where this fits into the prioritization of these goals. He explained that the business community is an important priority to him. He expressed the desire to see the perspective of the business community because he expects they might not be enamored with the idea of a ban due to its impact on business. He explained that this might lead one to the efforts put forward by Trustee Curran and Trustee Frank to offer incentives rather than mandate businesses to go smoke-free.

Mayor Murphy noted another approach which is to address this issue on a regional basis. He explained this approach might give comfort to businesses and asked for some information on how to go about forming this regional approach. He noted that one way to not gain regional support is to make public the names and contact information of Mayors and Trustees in neighboring communities. He stated that Mayors and Trustees are good people who want to make informed decisions. Giving citizens the right to communicate with their Public Officials is an inherent right. However, some public officials do not want to view a circumstance in that way. He noted communication he has had with neighboring Mayors and Trustees who expressed the desire to look at this situation in an enlightened way and gain more information prior to an escalation into a controversial issue. He reiterated that a regional approach to this issue would be much more appropriate. He stated that he would like to see research from parties on both sides of this issue along with financial analysis and reactions from the business community.

Mayor Murphy also noted the ability to get information from various sources such as the DuPage Mayor and Managers Conference and Metropolitan Mayors Caucus. He explained these would be good sources to gain regional support.

After a discussion and clarification from the Board as to what locations would be included in the ban, Mr. Perry clarified that the Board wishes to work with the Chamber of Commerce to get feedback on a proposed smoking ban from businesses that serve food and/or are classified as entertainment destinations.

Investigate municipally provided wi-fi services:

Mr. Perry asked Trustee Wood to elaborate on the issue and identify what problem he is addressing with this suggestion.

Trustee Wood noted that the problem does not yet exist, not to say that it might not exist in the future. He explained that this is an opportunity. He expressed his hesitancy in suggesting this service because this would involve the Village in the enterprise business by investigating wide area fidelity. He noted the advantages and disadvantages of this service. The municipality would be attractive to wi-fi users including businesses and be able to offer broadband cost that are lower to residents than their current providers. He noted that this would put Woodridge on the leading edge of technology, but explained that in this situation it might prove useful to follow the lead of other municipalities who have worked out the kinks in providing this service.

Mr. Perry clarified that there is no problem, but that this is a financial opportunity for the Village to make money in providing this service to residents or to save money for residents by providing the service at a lower cost.

Trustee Curran noted that, in his research, he has seen municipalities provide the service for half of the cost of telecommunication providers.

Trustee Kagann explained that this service is a desirable service to residents and businesses. He expressed concern that wi-fi hotspots can become an access point for infiltration or network attack. He explained that if the municipality provides the wi-fi service they are also the policemen for the network. He elaborated that he sees this service as an incentive to residents and businesses as well as a draw in that additional costs might arise. He also mentioned the possible need for a network administrator position on the Village staff and the additional costs associated with that position.

Trustee Curran requested some economic data reviewing the cost and benefit of providing this service, and possibly some research on whether this service would attract additional businesses to Woodridge.