

**MINUTES OF THE BOARD WORKSHOP OF THE MAYOR AND BOARD OF  
TRUSTEES OF THE VILLAGE OF WOODRIDGE, ILLINOIS, HELD ON  
MARCH 15, 2007 AT THE VILLAGE HALL**

**I. CALL TO ORDER**

Mayor Murphy called the Workshop of the Mayor and Board of Trustees to order at 8:01 p.m.

**II. ROLL CALL**

Upon roll call by Clerk Nystrom, the following individuals were:

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

**Absent:** None

**Staff Present:** Administrator Perry, Assistant Administrator Halik, Attorney Jones, Ms. Freischlag, Mr. Mays, Chief Herron, Mr. Bethel, Mr. Alwin, Ms. Bohse and Ms. Cedillo

**III. ACTIVE AGENDA**

**Discussion of Smoking Ban Issue**

Mayor Murphy asked the Board to recall a brief discussion that was held at the March 1, 2007 Board meeting. He turned the floor over to Assistant Administrator Halik for a further discussion of smoking ban issues.

Ms. Halik explained that she has received Board inquiries on the intentions of the Woodridge Park District and Will County. She stated that she spoke with the Will County Health Department and that they indicated that individual municipalities in Will County are considering smoking bans, including Joliet. She noted that the County itself is not taking action and that no Will County municipalities have taken action so far. She stated that the Woodridge Park District plans to prohibit smoking at public events.

*Village Grounds*

Ms. Halik indicated that staff needs further direction on what Village grounds would be included in the smoking ban. She specifically inquired about the outdoor town plaza area between the Library and Village Hall.

Mayor Murphy stated that he would like to see a more comprehensive approach and ban smoking in the entire Town Centre area. He asked the Board to consider a total smoking prohibition at Town Plaza, if the Village is legally able to do so. He indicated that one of the ideas behind the smoking ban is to eliminate residents' exposure to second hand smoke. He stated that a comprehensive approach to the ban would allow for this.

Trustee Brandt inquired if parking lots would be exempt from the smoking ban. He noted that he is leaning towards allowing smoking in parking lots.

Trustee Beavers asked where Village employees would go to smoke. She pointed out that banning smoking without reasonable accommodation would cause employees to spend more time away from work.

Trustee Curran agreed with Trustee Beavers. He stated that he has not seen a study that shows that second hand smoke outside is as harmful as second hand smoke inside.

Trustee Frank pointed out that the intention of the ban was to ban smoking in public areas.

Trustee Brandt stated that there is not a place around or near the Library that he sees as an acceptable smoking place.

Ms. Halik summarized a review that staff completed on common smoking areas and whether or not they are 25 feet from entrances. She indicated that the areas that would be designated for employee smoking areas are all more than 25 feet from building entrances.

Trustee Kagann suggested establishing two or three designated smoking areas and allowing smoking in personal cars in the parking lot.

Mayor Murphy noted that it looks like there are four (4) Board members in consensus as to where the prohibition would apply on Village Grounds. He indicated that, from the Board discussion, smoking would be prohibited in Town Centre in its entirety, including the Library property with exceptions for a designated smoking area at Village Hall, a designated smoking area outside of the Public Works garage, a designated smoking area behind the Police Department, personal vehicles in the parking lots at Town Centre and on Post Office property because this is federal property over which the Village cannot place such restrictions.

#### *Village Greens Golf Course*

Ms. Halik noted that staff needs further direction on how the smoking ban would apply to the outdoor eating area at the Village Greens Golf Course. She noted that the Golf Course and Park District recommended that smoking be prohibited on the patio and in a 25 foot area surrounding the patio, but that it be allowed on other Golf Course property. She pointed out that it is common for people to eat at the patio, but that the food staff does not serve food there.

Trustee Brandt stated his preference for prohibiting smoking 25 feet from outdoor eating areas and banning smoking from tee boxes and putting greens. He noted that, if these restrictions are too complicated to include in a smoking ban ordinance, he would prefer to ban smoking from golf courses in their entirety.

Trustee Curran stated that he agrees with the Woodridge Park District's recommendation of the Golf Course.

Trustee Brandt explained that you cannot always choose who you golf with. He indicated that residents may be placed with golfers that smoke and that it might make them uncomfortable.

After hearing no other opposition, the Mayor indicated that there is Board consensus to follow the recommendation of the Park District and Golf Course to ban smoking on the Village Greens patio and in a 25 foot area surrounding the patio.

Ms. Halik inquired if smoking needs to be banned at the maintenance facility.

The Board gave consensus to ban smoking at all Village grounds, including the prohibition of smoking within 25' of a Public Entrance and at outdoor dining locations.

*Penalties*

Ms. Halik noted that the Board needs to determine what kinds of penalties would be issued for violations of the smoking ban. She stated that she looked at other communities and how they treat violations. She explained that most DuPage County communities have increasing penalties as violations increase. She stated that it is typical for communities to issue penalties to the individual in sums of \$30, \$50, and \$100 and penalties to the property owner or business in sums of \$100, \$500 and \$750. She explained the following penalty structure for the proposed Ordinance in Woodridge:

**Individual**

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|   |       |
|---|-------|
| 1 <sup>st</sup> offense                 | \$30  |
| 2 <sup>nd</sup> offense                 | \$50  |
| 3 <sup>rd</sup> and subsequent offenses | \$100 |

**Owner/Manager/Etc**

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|   |       |
|---|-------|
| 1 <sup>st</sup> offense                 | \$100 |
| 2 <sup>nd</sup> offense                 | \$500 |
| 3 <sup>rd</sup> and subsequent offences | \$750 |

Ms. Halik indicated that the 3<sup>rd</sup> and subsequent offences for a business may result in the suspension or revocation of any permit or license issued for the premises on which the violation occurred.

Trustee Brandt asked if the Village would be issued violations at the facilities that it owns such as the golf courses.

Ms. Halik indicated that the Village would be treated in the same way as any other violator. She explained that, in most cases, the management company would be issued the tickets, because they are the ones that allowed smoking.

Trustee Frank asked for clarification that the individual and the management company would be issued fines.

Ms. Halik explained that the management company of a business would only be issued a fine if they allowed smoking.

After hearing no additional comments, Mayor Murphy indicated that there is Board consensus to move forward with the proposed penalty schedule.

*Effective Date*

Ms. Halik indicated that staff needs Board direction on the date that the Ordinance would become effective.

Mayor Murphy indicated that the original discussion of this issue resulted in an effective date of July 1, 2007. He asked the Board if they are comfortable with this date.

Trustee Curran asked where our surrounding communities stand on this issue.

Mayor Murphy stated that the Village has been in touch with surrounding communities for over one year. He noted that the Village would prefer that the State and County move forward on this issue, but that the Village will move forward on July 1, 2007, if others take no action. He stated that he has spoken with the Mayors and the Managers or Administrators of the surrounding communities. He stated that he will not be referring to the communities by name to keep his conversations private and to not commit these communities to the actions that they discussed with him.

Mayor Murphy indicated that community A reports that they would prefer that the County and State move forward, but that they will move forward on July 1, 2007, if others do as well. He pointed out that community B is not debating whether or not to have an ordinance, but is still discussing what the components would be. He indicated that community C did not have current information, but that they indicated they are not a community at the forefront of this issue. He stated that community D is moving forward with an implementation date of July 1, 2007. He discussed that community E is a few months away from initiating a ban, but that they would prefer that the State move forward or that the issue is addressed globally. He explained that community F is on a time table of implementing after July 1, 2007. Finally, he indicated that community G will be moving forward with implementation after the election. Mayor Murphy stated that from these conversations, it appears that the southern portion of DuPage County will move forward with a July 1, 2007 implementation date.

Trustee Frank indicated that she has some concerns with the actuality of the July 1, 2007 implementation date. She explained that Woodridge is uniquely located in DuPage County and has closer proximity to other communities and Will County municipalities. She stated that she is hearing lots of intentions to move forward on July 1, but that she has reservations that it will actually happen. She explained that she does not want to do a disservice to businesses and that it has been the consensus of the Board that this disservice would not be done. She stated that she is not ready to say that the July 1, 2007 start date of a smoking ban will happen. She noted that, if the Board moves forward on July 1, businesses can go out of business, relocate or suffer a long term period of loss as a

result of a ban in Woodridge and not in communities nearby. She indicated that she does not know what date she would like to see on the Ordinance.

Trustee Brandt stated that he has no problem with the July 1, 2007 effective date.

Trustee Curran agreed with Trustee Frank. He stated that there was some previous talk of exemptions. He inquired if the Board would consider exemptions for Shanahan's and Hollywood Boulevard. He noted that exemptions could be based on revenues. He stated that he feels that a ban would be detrimental to some businesses.

Trustee Wood stated that he disagrees that there should be exemptions. He stated that Woodridge needs to maintain a level playing field within the community and this would mean no exemptions. He stated that he is comfortable with a July 1, 2007 implementation date.

Mayor Murphy recapped the Board member's positions on this issue. He stated that Trustee Curran and Trustee Beavers are in favor of exemptions. He stated that Trustees Wood, Kagann and Brandt and himself are in favor of not providing exemptions and that Trustee Frank indicated that she is not sure, but that she might like to see a later implementation date for restaurants.

Trustee Brandt pointed out that education would be easier with a more clear ordinance.

Trustee Wood stated that there might be a legal aspect to different implementation dates. He stated that it would be hard to tell Bennigan's that it is ok to smoke at Shanahan's.

Mayor Murphy noted that there is a consensus not to allow exemptions and to move forward with a July 1, 2007 implementation date. Mayor Murphy asked staff to have the proposed smoking ban ordinance placed on the April 5, 2007 Board Agenda. He stated that he understands the concerns voiced by Trustee Frank. He noted that, for those reasons, municipalities in DuPage County intend to move forward regionally. He stated that he is comfortable that the ban will happen in surrounding communities. He indicated that Woodridge can be the next community to provide a level of comfort and be a catalyst in the issue. He indicate that he would also like to see a Resolution encouraging a state-wide smoking ban placed on the April 5, 2007 agenda.

#### **IV. ADJOURNMENT**

Mayor Murphy adjourned the Workshop of the Mayor and Board of Trustees at 8:50 p.m.

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Melissa Bohse  
Deputy Village Clerk/Management Analyst  
Village Clerk's Office

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Eileene Nystrom