

**SPECIAL PARKS AND RECREATION COMMISSION**  
**October 9, 2019**  
**Room 204, Government Center**

Members Present: Keith Kern, Gene Rosburg, Elizabeth Norén, Tom Wondolkowski, Jemal Broussard, Brittany Berrens Markgren (arrived at 5:42 p.m.)

Members Excused: Ruth Ludwig

Also Present: Linda Cadotte, Angie Harker, Brent Fennessey, Shelley Nelson, Charmaine Swan, Pat McKone, Dan Olson, Jenny Van Sickle, Erica Champaigne, Ryan Compeau, Marcus Asmus, Gwen, Alan O.

1. Tabled to a Special Parks & Rec Commission meeting from the September 26, 2019 regular meeting: Tobacco Free Parks – draft ordinance.

Alan O. and Erica Champaigne spoke in favor of the Tobacco Free Parks draft ordinance. Councilor Brent Fennessey recapped the history of the ordinance explaining that it started with the effort to make city parks tobacco free, but it expanded to other areas including trails, recreation areas, etc. He reiterated that he and Councilor Ludwig looked at adding smoking areas to each park; however, they found that since citizens could still smoke on streets and sidewalks near the parks that designated smoking areas did not seem necessary, especially in smaller parks. He indicated that perhaps smoking areas could be considered in larger parks i.e. Central and Billings Parks. He reached out to other councilors and found that some would like designated smoking areas on park properties in their districts. Fennessey suggested that instead of going park-by-park looking at designating tobacco use areas, the commission could consider amending the draft ordinance to state tobacco use would be allowed on streets, sidewalks and in parking lots/spaces in parks.

Second District Councilor Jenny Van Sickle spoke and reiterated her request for a variance for Bear Creek and Allouez Parks, which she indicated are used in large part by adults. She asked for receptacles in these parks. In addition, she voiced concern about the financial impact on small festivals that would have to pay a fairly significant fee to set up smoking areas.

First District Councilor Dan Olson spoke and voiced concern about the draft ordinance as it pertains to his district. He mentioned the impact on Nemadji Golf Course and the 58<sup>th</sup> Street ballfields which bring a positive economic impact to the city. He indicated he is not in favor of the draft ordinance as written.

Parks, Recreation and Forestry Director Linda Cadotte indicated that the department checked with three other entities regarding their smoking policies. The Public Library prohibits smoking and vaping within 50 feet of the entrance, Douglas County prohibits it within 25 feet of facility entrances, and the School District of Superior prohibits tobacco on all school property. She mentioned an email from Dr. Weerts of Essentia Health, which all commissioners received, in which Dr. Weerts voiced support of the draft ordinance. Cadotte then reviewed the various categories of parks in the city including mini-parks, which are under 2 acres, neighborhood parks which are 2–5 acres and community parks which are 10 acres or more. She also questioned if the boat launches would be included when considering tobacco free areas. The Osaugie and Millennium Trails were also noted as areas to be considered. Cadotte indicated that in looking at some of the parks and considering Fennessey’s suggestion of allowing smoking in parking lots/areas, a number of the parks have parking areas close to playground equipment.

The commission discussed the draft ordinance at length. Many issues/scenarios were reviewed and included how the draft ordinance would impact festivals, Bayside Sounds and private event rentals at parks. The potential impact on privately run facilities such as the marina and golf course was questioned. While some were in favor of a blanket tobacco free ordinance, some felt the draft as written was too restrictive. There was a consensus that prohibiting smoking within a certain number of feet near the playground areas in parks was good policy. After a lengthy discussion, the commission took the following action:

**MOTION by Norén, to approve the draft Tobacco Free Parks ordinance as written. There was no second, MOTION failed to adopt the draft ordinance.**

The commission then agreed to amend the current ordinance (Sec. 86-16) as it stands, with the following actions:

**MOTION by Wondolkowski, to amend the current ordinance to add language under (2) *No person may smoke at any of the following outdoor locations* to state no tobacco use within 50 feet from playground area perimeters.**

**MOTION withdrawn by Wondolkowski.**

**MOTION by Kern, seconded by Norén and carried, to amend the current ordinance to include the following: Page 3 (b) *definitions* - amend to add language under *smoking* to include: e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen.**

**MOTION by Wondolkowski, seconded by Rosburg to amend the current ordinance to add language under (2) *No person may smoke at any of the following outdoor locations* to include within 50 feet from playground area perimeters.**

**MOTION by Kern, seconded by Broussard and carried, to amend the motion to add: within 50 feet from pavilions and shelters.**

**Kern called for a vote on the amended motion, all voted in favor except for one no vote, by Rosburg.**

**Broussard left the meeting at 6:09 p.m. however, there was still a quorum.**

**MOTION by Kern, seconded by Norén and carried, to add under (e) *exceptions*: It shall not be a violation of this policy for a person to possess or provide tobacco or tobacco-related devices to any other person as part of an indigenous practice or a lawfully recognized religious, spiritual, or cultural ceremony or practice.**

**MOTION by Kern, seconded by Norén and carried, to amend under (f) *penalties (1) and (4)*: fine up to \$500.**

**MOTION by Rosburg, seconded by Norén and carried, to include the following under page 3 (b) *definitions*, under the line *e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen*: “The term “smoke” includes the use of any electronic delivery device containing or delivering nicotine or any other substance intended to human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. This includes**

**any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or any other product name or descriptor. Electronic delivery device does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product and is being marketed and sold solely for such an approved purpose.”**

**MOTION by Rosburg, seconded by Norén and carried, to remove the words “containing tobacco” from the definition of *Smoking*.**

**MOTION by Rosburg, seconded by Norén and carried, to remove the word *smoke* (after the word *exhaling*) under the definition *Smoking*.**

**MOTION by Rosburg, seconded by Wondolkowski and carried, to approve the changes to the ordinance (Sec. 86-16).**

**Kern announced the meeting adjourned at 6:19 p.m.**

**The next regular Parks & Recreation Commission meeting is scheduled for Thursday, October 24<sup>th</sup> at 5:00 p.m.**

Minutes submitted to the Council Meeting of November 5, 2019.