

CITY OF GROVE CITY, OHIO
COUNCIL MINUTES

October 25, 2004

Special Meeting

The special meeting of Council was called to order by President Saxton at 7:00 p.m. in the Council Chamber, City Hall, 4035 Broadway.

After a moment of silent prayer and the Pledge of Allegiance, roll was called and the following members were present:

Rich Lester Bob Hatley Bill Saxton Maria Klemack Vaughn Radi

1. President Saxton explained that this meeting was to provide an opportunity for residents and business owners of Grove City to share their opinions on the issue of Clean Indoor Air. He explained that speakers would be limited to three (3) minutes and would take them in order as they signed in.

President Saxton introduced Dr. Rob Crane, teaches family medicine at OSU, who Council invited to serve as an expert in the event there were questions raised that needed such explanation. Dr. Crane stated that he is also a volunteer for the Smoke Free Columbus Coalition. He explained that 100 years ago most people chewed tobacco, tar, etc. and would spit everywhere. Health officials discovered Tuberculosis in the spit. Laws were passed to stop the spitting. Now, we have new evidence on second-hand smoke that shows it to be a killer. He said they are not trying to ban smoking. They are simply asking people to go outside to smoke. He said there shouldn't have to be a law, but, the addition of smoking makes smokers deny that it hurts others around them. He said he is here to speak for those who can speak for themselves – the bartenders, waitresses & children, who deserve our protection. He said a Clean Air Act does not harm businesses when they are on a level playing field. He said they are asking for balance – to balance someone stepping outside to smoke against someone's life.

2. Approximately 65 people were in attendance with 23 making statements on the issue. The majority voiced opposition to any indoor clean air policy. The following is a synopsis of those statements:

Ms. Jody Burris – voiced support for an Indoor Clean Air ordinance. She cited Applebee's as a positive example. She agreed that it doesn't work if there isn't a level playing field for businesses and asked that we request a Statewide policy. Since the State has chosen not to pass legislation, she asked Council to set up, join other Central Ohio communities, and pass legislation for Grove City. While other communities rid themselves of cigarette smoke, let not our inaction allow Grove City to become known as the ashtray of Central Ohio.

Mr. Henry Darling – said he understands the Clean Air issue and agrees with it, but, when most of your customer base is a construction worker and truck drivers who all smoke, it puts a hamper on them to enjoy their rights when they come into a non-smoking community. He said 95% of his customer base smokes. Everyone has a choice to walk into a bar or restaurant with or without smoking. There are smoke eaters in places to help with that. He said to enforce this on bars that don't serve food or small Mom & Pop businesses, will cause them to close. He said the air outside is still polluted. The EPA states that. Whatever air you breath can cause cancer and asthma. If this is enacted, he believes people will find ways to get around it just like they did Prohibition of Liquor. It is taking peoples rights away.

Mr. Mike Merriman – commented that he wouldn't deny that smoking can kill people, but adults and

children learn about the health risks in school and other places. People know the risks when then enter a bar or restaurant that allows smoking. He said it takes away an individual's rights.

Ms. Annabelle Robinson – was present to speak on behalf of herself and her husband, who own the Peddlers Lounge, the building and land it sits on. She said they run a respectable business, abide by all the rules and regulations required by the State of Ohio, and do not allow any illegal activities on the premises. For these reasons, they feel it is their legal right to make all decisions regarding the business without interference from City government. They regard a smoking ban as an infringement on those rights. Freedom of choice is a right established by the founders of this country. It is the reason thousands of people come to this country every year and the reason wars are fought.

Mr. Ted Mixer – stated he is a non-smoker, but wonders “What’s Next”. He understands the rights of customers going into a business, but if it a smoking place, there is another place down the street that is non-smoking. If we are on such a health kick, then soda pop should be removed from schools to combat diabetes and obesity.

Mr. Todd Shipley – said he doesn’t smoke and has no personal axe to grind. He believes smoking is a disgusting, dirty habit. However, what is more disgusting to him is the sense of a nanny government telling him what to do for his own good because he isn’t intelligent enough to know that himself. He said there are alternatives to a smoking ban that work. There are excellent ventilation systems that removes the smoke. Other restaurants separate areas for smoking and non-smoking. He said business in the Central Ohio areas that have passed laws have seen a 45% or more decrease in business. He hopes it comes back for them. He believes it is an individual’s right and should not come from above (City Council or State Gvt.).

Ms. Glenda Frost – owner of Memories Restaurant, said she wasn’t very happy about a smoking ban. She said everything she owns could be lost if she loses this business. She has an 18-month old daughter and a breast cancer survivor. She said she chose this industry and the people who work for her chose that business. She said she doesn’t feel it is right for government to tell her what to do in that building. If places want to be smoke free, it should be left for them to decide.

Mr. Bill Plank – voiced his opposition. He said let people choose if they want to go into his place or go down the road to another place. He said his wait staff know that he allows smoking and so do their parents. He said people should be able to make their own intelligent choice.

Ms. Kathy Hatfield – commented that as a consumer, she goes outside Grove City to find a non-smoking establishment, and would rather be able to spend her money in town. She feels strongly that businesses will gain other dollars if they go smoke free. She said this isn’t a smoking ban, it is clean indoor air for everyone and create a healthier atmosphere.

Mr. Don Martin – commented about making a level playing field for businesses. He said the playing field is never level. He said he has been in business for 10 years. He cannot compete with the large businesses like Applebee’s & Roadhouse. His business attract people who want the smaller environment. It’s the working class, blue collar America that make the world work. He if you make this a health issue, are we going to discuss parents smoking around their children. His bar is 21 and over. There are no children allowed. There are many other health issues that cause heart problems. He can’t afford to lose 60% of his business. To take the choice away from the people, is a regression rather than a progression as a city.

Ms. Carolyn Nobile – said she could sympathize with the small business owners. However, her

biggest complaint is where there is food served. She feels these businesses will not loose as much as they think. There are others who will seek them out because there is no smoking.

Ms. Liah Macklan – said she couldn't believe this is still being debated. This is not about health. It is about freedom. She knows how bad smoking is. She use to smoke, but that was her choice. She said you won't hurt the corporate businesses, but she has her own statistics from New York, Florida & Los Angeles that show the number of Mom & Pop shops that have closed down or significantly lost business. She said there are pesticides, airplanes, car emissions, etc. that pollute the air. She said Grove City is just starting to build up. If they choose to ban smoking, you are going to let the big boys in and effectively closing down the little boys.

Mr. Bill Myers – said he lives in Grove City and recently retired as the Health Commissioner for Columbus. He served as co-chair of the Policy Committee of Smoke Free Columbus. He urged Council to adopt a strong clean indoor air policy, similar to Columbus, and do it for the right reason. To protect the health of the smoking and non-smoking public and health of employees who work in smoking establishments. He cited some health statistics showing the risk for heart attacks and breast cancer. He asked that Council not believe that this type of policy would be a disaster for local economies. He cited a study from New York that tax receipts are up. He said protecting the public and workers from second hand smoke is the right thing to do and fulfills a basic governmental responsibility – to protect the health and safety of all citizens. He offered his help in any way possible and urged them to enact a strong clean air ordinance.

Ms. Markum – commented that she has family members in Florida who own restaurants. They didn't loose any of their regular customers. He doesn't believe it is a freedom of choice. We didn't have a choice with seatbelts. You can still smoke, just not in restaurants.

Ms. Crystal ____ (didn't sign in) – suggested that if there is going to be a policy, that it be placed on those who make the majority of the money on food. If alcohol is the main income, then they should be allowed to have smoking. She said it would hurt people overall.

Mr. Shaffner – told the story of one of his teachers taking a piece of paper, rolling it up, and setting it on fire. The point was, if you smoke you are burning up your money. He said he understands that smokers have the right to do so. However, he has the right to go into a restaurant and enjoy his food without smelling smoke. He said the system in place now doesn't work. Even when you separate the tables, you may have to go through the smoking area to get to the non-smoking. The smoke also travels over from one side to the other. He said something should be done for restaurants.

Mr. Lonnie Alonzo – urged Council not to pass any controls. He said he understands the health effects, but it should be a choice. Everyone has the responsibility to determine where we do and don't want to go. He feels every business should have the right to establish their own rules to present itself and its services to the clientele they want to present itself to. A smoking ban precludes a businesses right to run the business the way they want to.

Mr. David ____ (didn't sign in) – is a native Grove Citian and vehemently opposes a clean air act. He said if the horror stories of second hand smoke were true, his generation or those growing up in the 40's & 50's wouldn't be here. He said the science is produced by those who have an agenda and caution Council to accept it. He said there were studies from professionals that were saying that smoking wasn't bad for you and he submits that the credibility of those were just about the same. He said it troubles him that some folks are so ready to trample the rights of others. He said if there is a market for smoke-free venues, it should be left to the market to provide that. If it is so profitable,

they we should see entrepreneurs should be rushing to open smoke-free bars and bowling alleys. It also troubles him that call themselves conservatives could support a unilateral ban, like the one enacted in Columbus. Self-will and self-determination somehow gets lost there. He quoted Barry Goldwater that “Extremism in defense of Liberty is no vice.” He said it might not play as well today, but he paraphrased it by stating that “Zealotry, for whatever reason is still zealotry and it is a vice”.

Mr. Paul Endicott – a non-smoker voiced support to businesses and for allowing the people decide. He said he is a Vietnam Veteran and his entire tour of duty was overseas under Marshall Law. He said he has served under the ultimate government edict. He saw it and lived it. He truly believes if you let the residents and business owners decide, it will work itself out. He said he feel more at risk trying to get off the freeway at night, with an overdeveloped city and underdeveloped roads.

Ms. Judy Russell Maley – is an asthmatic. She said she almost died twice from it and has a totally different perspective on this issue. She said people are born with what they have and can’t change. They should have the opportunities to go to restaurants and other places without this concern. He said if Grove City is a forwarding looking community, they will think of the citizens and students of the town.

Mr. Gary Holtmeyer – is a former smoker. He said he agreed with everyone tonight. It is a health issue and he doesn’t believe that much money will be lost. He doesn’t believe that we have to allow something that is bad in order to sell something is good.

Mr. _____ (didn’t sign in) – stated that if it is such an issue of health, why is everyone waiting on Columbus. It is a business decision. He said you could make figures look whatever way you want them to. It should be left to the business owners. This is still American and you are taking away peoples rights little by little.

Ms. Heidi Fryer – cited the 700 people in Cleveland who have lost their jobs over the Clean Indoor Air policy passed there. She believes it is a right and doesn’t want anyone telling her what to do.

Mr. Bill Allman – owner of Rackum’s Sports Bar, commented that he feels this forces everything on the smaller business. They employ 20+ employees and their clientele is 21 yrs. and over. Their food business is very small. He believes this is an infringement of our rights, more and more. He said there are so many restrictions for businesses with alcohol now that it will only take a couple more to put small businesses out of business. He is totally against saying they have to do it.

3. President Saxton thanked everyone for coming and voicing their opinions. He assured the attendees that nothing has been decided by Council or even discussed. They felt like there should be a forum for everyone to speak their peace. He then asked Council Members for their comments.

Mr. Radi asked Dr. Crane if there were any indicators on the effects being generated by the smoking/non-smoking seating areas or through ventilation systems. Dr. Crane said that ventilation systems have been found to be non-effective. He said that second-hand smoke is a Group A carcinogen and there is no safe level. Mr. Radi said if any decisions are made on his part they would come from growing up with two parents who smoke. He spent five years as a singer in nightclubs. In his 20’s he developed asthma. The doctors were suspicious of second hand smoke, but at that time there was no evidence. His father now has emphysema. So, he has first hand knowledge of the harmful effects of cigarette smoke. However, he also understands that government has to have its role. Doing a ban on smoking may create a safer environment for everyone, but, the statistics he is

reading show that the dangers of second hand smoke are mostly affecting children. He has read that 70% of the exposure to smoke by children is within their own homes. There is no way government can regulate what goes on in someone's home. Until that situation is addressed by responsible adults, he doesn't know that there is anything else that can be done to help that situation by a governmental body.

Ms. Klemack said she gets emotional about this issue because she works at Children's Hospital and sees what it does to children. It has also affected her family. Her father died of a heart attack, due to smoke. She said she is all for clean air, but you don't mess with freedom. She is in this country because the American freedom. She believes this should be put in the hands of the business owner.

Mr. Lester commented that he came tonight to gain feedback from the forum. This is a passionate issue. He said he has his personal feelings and he makes personal choices based on his personal feelings. He said he doesn't believe that this is a legislative act that any Council of any local jurisdiction needs to dictate or mandate what is going on in the private businesses.

Mr. Hatley said he appreciated everyone coming and got what they wanted. They wanted to hear from the Grove City residents and not a lot of people from the outside, to get a flavor of how the community felt. He said basically it is 60% against any indoor clean air act and 40% in favor. He said we all have agenda's and most people against this are business owners who have a vested interest. He said we have an unusual situation, in that we have Beulah Park and what do we do with them, as far as smoking goes. It is a business issue, to a certain degree. He said his thought in waiting was because of all the challenges that have occurred – Columbus passed legislation and now has a Referendum; other municipalities have passed laws and are having difficulty enforcing them. He doesn't believe we are being backward and taking a wait and see attitude. Just because you are first at something, doesn't mean you are right. If there is a law passed, we need to make sure it is enforceable, fair, and go about establishing those things we want to. This may happen in Grove City, but probably not right now. He said he is not in favor of legislating this. He would rather see the individual owners do this. If he had his choice, he would make smoking illegal. But, at this time, he is not in favor of legislating this.

President Saxton stated that he is not in favor of legislation at this time. He said he believes Council has a duty to make sure we don't loose the small businesses in Grove City. We have come this far in getting a golf course and shopping center. If the State of Ohio wants to make non-smoking mandatory, then it makes the playing field even.

Council adjourned at 8:27 p.m.

Tami K. Kelly, MMC
Clerk of Council

William E. Saxton
President