

CITY OF GROVE CITY, OHIO
COUNCIL MINUTES

July 27, 2005

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:

Robert Hatley Rich Lester Bill Saxton Maria Klemack Vaughn Radi

The purpose for this Special Meeting is to hear opinions regarding Ordinance C-76-05 (Repeal Section 521.20 of the Codified Ordinances of Grove City, Ohio titled Smoking Prohibited and Enact a New Chapter 522 titled Smoking Prohibitions). Those wishing to speak were asked to sign the Speakers Sheet. President Saxton recognized each one in order.

1. Ms. Pam Parker, Shedrow Saloon, said she has lived in and around G.C. for 40 years. She is vehemently opposed to a smoking ban. She said they pay the bills, mortgages & loans. Decisions that impact their business should only be made by them. After last weeks meeting, they look around their bar and over 2/3rds of the people were smoking. Those customers want to continue smoking. She and her husband just want to keep the customers they have. She said they didn't have a barstool left, but they are supposed to run off the customers they do have so that the woman with asthma might, just might, come in and have a drink. She questioned how many people who want a smoking ban would patronize their establishment anyway. She suggested that those who want a smoke free environment do what they did and go knee deep into debt and open a smoke free bar. All the people who want to force their values on their business can all patronize each other. Why should they have to foot the bill. She wonders how those people would feel if the government turned around and deemed it unconstitutional and required them to allow smokers. She asked if people really think that government will stop with public places. In fact, she just heard that New Jersey is trying to ban smoking in cars. She appealed to Mr. Saxton on her next scenario – what if government decides that rental spaces must be smoke free. What if their market is immediately cut and can only rent to non-smokers or those who agree to go outside to smoke. She said don't think these scenarios are ridiculous. She would have bet any amount of money before that they wouldn't be fighting for their businesses. She quoted Ben Franklin - *They that can give up essential liberty to obtain a little temporary safety deserve neither liberty or safety.*

Mr. Hatley asked what has happened to her business since the Columbus ban went into place. Ms. Parker said she doesn't know. They bought the business in May.

2. John Besst, owner of G.C. Lanes, said he doesn't even know why Council is wasting their time with this. There is no smoking in Municipal buildings, libraries, churches, and schools. Kroger, K-Mart and Wal-Mart don't allow smoking. By State Law, no one can smoke in medical buildings, which includes doctors & dentist's offices and Urgent Care facilities. What is really being talked about is banning smoking in bars, restaurants, bowling alleys and Beulah Park. If someone needs to eat in a restaurant that doesn't allow smoking, there are 21 within four miles of City Hall. Nine have permits to sell alcohol. There are plenty of places in Columbus that are smoke free. It's about choice. Doesn't believe Grove City needs a smoking ban now or ever.
3. Deborah Besst, resident, urged Council not to implement a smoking ban.

4. Steve DeVore, General Manager of Stardust Lanes, said society is accustomed to the idea that we are all entitled to a number of things. We must remember that while bars, restaurants and bowling centers are open to the public, they are still private businesses. They invite everyone to take advantage of their services & want everyone to enjoy themselves, but no one has the inherent right to come in and bowl, have a beer or throw darts. As business owners, they do have the right to set standards or requirements that must be met for the public to use their services (e.g. dress code, age requirement). He believes that local governments have an obligation to provide services for the health and well being of the people they serve, they cannot and should not force those people to take part in the things that they choose not to. He said there is a very clear reason why they allow smoking. 83% of their league bowlers smoke. They generate 65% of their bowling revenue, just bowling. Anyone has the right to open an establishment and make it non-smoking. Has anyone given a thought as to why there are no non-smoking bars and businesses. It's because they don't work. They have tried it and had eight people showed up. A mere 5% decrease in revenue would mean five people would be laid off or 1/3rd of his work force. This goes back to the idea that we are entitled to things that we really aren't. 800 people should not be forced to conform to the wishes of 200. Anyone opening a new business knows what it takes to make it go and flourish. To have all that even threatened by a government policy is criminal. If there is a market for non-smoking establishments, then open one. To take advantage of the hard work others have put in and make them change that business to fit the ideas of other is just plain wrong. He said they generate over \$700,000.00 of taxable revenue and over \$200,000.00 of taxable payroll every year. This will change if the smoking ban is approved.

Mr. Hatley asked what % of their business is made up of leagues. Mr. DeVore said 60 - 70%. Hatley asked what has happened to business since the Columbus ban took effect. Mr. Devore said leagues have had no change, but open bowling on Friday and Saturday night has almost doubled.

Mr. Saxton asked what percent of their business is based on liquor and food sales. Mr. Devour said food and beverage account for about 36% of their total business. President Saxton asked if they allow young children in their establishment. Mr. DeVore said they have a Saturday morning Children's Program and no smoking is allowed then. They have a lounge for smokers during that time.

Mr. Radi asked if Stardust is a member of any bowling associations. Mr. Devore said they operate under the guidelines of the local Columbus Bowling Association, but are not part of a local Association. Mr. Radi asked if the Association has addressed the transition from a smoking market to a non-smoking market. Mr. Devour said could only speak to what AMF has seen and in NY they did loose business, some as much as 40%, and only gained a small portion back. AMF has not gotten involved with each municipality. He checked with Sawmill Lanes and they are down 30% in their League sign-ups for the season. They do a \$2 million business and you can just imagine what a 30% loss equates to in dollars, especially when 65% of your business comes from leagues. He said if Stardust loses 20%, it is critical to their business. If they didn't have league players, they would be closed in the summer. GC Lanes is closed in the summer because there are just not that many bowlers. He said he couldn't afford for 30% of his business to be gone.

Mr. Lester asked about the Big Western Lanes he mentioned. Mr. DeVore said they are in the Twp. and will never have a smoking ban. Mr. Hatley clarified that the Township cannot initiate this type of legislation. Mr. DeVore said that business is a serious threat to them, because they are only five minutes away.

5. Ms. Heather King, commented that she has made her living in the past 10-year working in the bars and restaurants of Grove City. She chose this and is aware that she will be around smoke and this is her choice to make. It is not her choice to make for someone else. If this goes into effect, she will lose her

job. How then is she to raise a child in this community, the way she was raised, going to these schools and with the athletic programs offered and all the opportunities available. She begged them not to enact this ordinance.

6. Keith Parker, Shedrow, said he was so upset that he could hardly speak. Can't believe they would put the small business out of business. He has five employees that will be put out of business. It is a private business with legal activities. He believes that people should make their own choices and not have other people making choices for them. He doesn't want us to become a communistic or socialistic country. Its just not right.
7. Arthur "Budd" Eversman, said he is not here to discuss the pros and cons of the ordinance as it relates to health. He said he doesn't smoke and never has. His business is non-smoking because he decided to make it that way. He spoke on behalf of non-profit organizations that use bingo for fundraising, namely GCKA and Our Lady of Perpetual Help church/school. He said they are the only two charities in Grove City that operate bingo games with the proceeds used to support a large portion of their budget. His children, as has many, have benefited from the programs at GCKA, but since he is not currently involved with that Group, he held his comments to OLPH where he is currently Vice President of the Finance Committee. He introduced others who were present from OLPH. He said in Ohio the Attorney General's office issues bingo license and regulate non-profit bingo. All bingo games were included in Columbus' ban. Because of the known effect, most of the non-catholic charities decided to designate themselves as private clubs. The Catholic Diocese would not allow their churches to do this, as they felt it was illegal. Other non-catholic charities have also not switched because of the legal cloud. After six months of the Columbus ban, there has been no enforcement in private bingo clubs. As a result, most bingo players have migrated to these other locations. He said Council may have seen the article in the Metro section of the Dispatch today, and provided copies of that article to Council. He said St. Mary Magdalene, was down 60% this month & 73% last month. They are paying for the school out of savings this year and don't know what they will do next year. The American Council for the Blind said the attendance and revenue is down over 40% and getting worse each month. All places he checked are getting worse each month. There are two games on Demorest who are doing fine because they allow smoking. GCKA is the only other game in Grove City and they are very concerned over what this legislation will do. He provided a catalog of bingo halls in Columbus. He said it is not a level playing field. OLPH, in June, 2005, the net income from bingo was \$267,816.00. This is 21% of the church income. He said they used this money and church excess money to cover the school deficit of \$390,000+ last year. They have operated for over 45 years. Tuition increases every year to cover the cost of normal costs by \$150.00 and those parents pay the SWCS taxes. An additional increase to cover the \$200,0000 loss from bingo would be too much for most families to absorb and many would need to put their children in public schools. This would cause less attendance at OLPH and the cost would be spread out over a smaller number of students. This would also put more children in SWCS and put a further burden on that school system. He said some have stated a concern for children using the school gym where bingo is being played. He said the children are not in the gym when bingo is being played, and there is a minimum of nine (9) hours after a bingo game ends before children would be using the gym. He said there is no second-hand smoke in the room, at that time and he has yet to see a study that show smelling an empty ashtray causes cancer. He said if a risk is so small that it can't be quantified in a study, then how much risk is really there. If that were true, then catholic children would be dying of cancer at a higher rate than those in public schools. He said Council has heard that some private businesses might be hurt financially. Now they have heard how two wonderful charities would be hurt financially in a significant way, if this passes in its current form. After having served on Council for 8 years, he can't believe that Council's intent is to create an overwhelming financial hardship for these two charities and Grove City parents who will pay the cost in higher fees and tuition, if they can afford them, or deprive the children of these services if they can't afford them, or worse yet, if OLPH closes or youth

services are not offered any more.

Mr. Saxon asked if there was a ventilation system in the building to clear out the smoke. Mr. Eversman, are some exhaust fans, but that is what the nine (9) hours are for. Mr. Saxton asked what age could go to bingo. Mr. Eversman said 18 years old and over. Mr. Saxton asked if it would hurt if the age were raised to 21. Mr. Eversman said they would raise their age to 21 in a heartbeat if they would give an exemption for bingo.

Mr. Hatley asked if they have looked for a place in the township to run their bingo games. Mr. Eversman said they are very hard to find and by the time you pay for rent, utilities, etc. you have spent what the decline in revenues would be.

8. Ms. Glenda Frost – owner of Memories, said Council keeps asking about percentages of food and beer. She said she doesn't care about percentages. She owns her place. She has three loans and has a \$19,000.00 bill each month. She said she bought that place when you were allowed to smoke in it and she doesn't think the five of them should be allowed to tell her what she can do inside her four walls. She said if a bunch of businesses close, that isn't good for Grove City either. She has an \$800,000.00 business. If the ban passes, then Council hasn't been listening. She pleaded with Council to not do this. She said it is not fair to place these restrictions on their businesses. She appreciates the time to speak and hopes it isn't a waist of time. She said a 60% liquor sales & 40 on food sales is no good for her either, because she is 60% food. That would just let people go to bars across the street. She said "Please don't pass the smoking ban".

Mr. Hatley commented that they are having these hearings to answer the obligation to the community to address this issue. Council does not have the authority to put this on the ballot. The community must do it. Whatever decision is made, there will be a large faction that won't be satisfied. Once a decision is made, the community can put together a referendum petition and place that on the ballot. He said, as leaders, they have an obligation to do this and make a decision. He said they have no animosity toward anyone.

9. Jean Rowe stated that she is a single parent and has worked at Memories for 17 years. If she loses \$50.00 per week, that is a lot of money for her, and it would cause her a hardship. She has spoken with the patrons and they have told her they will go elsewhere to be able to smoke. She has been in the business for 26 years. She is a non-smoker and knows the risks. She feels that smokers have just as many rights as non-smokers. Her daughter is applying to colleges this year. Who is going to support her if she loses her job. Please consider the smaller people who have a lot to lose and could hurt their children.
10. Rob Crane, said he has been to 52 Council Meetings so far and have been invited to all of them. He has listened to these conversations at all of them. The concerns are real. The fears are a manifest. But after these conversations, over 2,000 places have some kind of smoking protection. Those fears have not been realized. He said eight (8) States and eight (8) Countries have enacted smoking protection and these catastrophes haven't happened. There is a period of adjustment and the Township issue is a problem for a while, but the State of Ohio is working on something now. As for bars, bowling alleys and bingo halls, they really depend on smoking clientele. However, bars are the most dangerous place in the world for second-hand smoke. Those working there suffer lung problems and heart disease at 2 to 3 times the rate of those who don't. If bars continue smoking, then people will die. He reminded everyone that they aren't asking people to not smoke, they are only asking them to step outside for 5 minutes so those around you don't breath in your smoke. He said Bingo Halls have a problem because of enforcement. Columbus has been unable to enforce their law. The level playing field is what keeps businesses from being injured. If they could have non-smoking everywhere, most bingo

establishments would prefer it that way. The un-level playing field need worked on. As for what is left in a bingo room, if there are 100+ people smoking in a gym for 4 hours and then the children have gym in that room, a variety of known toxic materials off gas for a period of six hours. He said bowling alleys have huge problems and every bowling alley across the country have been losing money for the last 20 years. Players are aging and families don't go because of the smoke. Eleven States have banned smoking in bowling alleys and the catastrophe hasn't happened. When the playing field is level, statistics show that revenues don't go down. As for an exemption for bars, Florida has a 90 – 10% split (between liquor and food) and must show their tax base revenue and apply for permit. He said Council has a terrible charge and whatever they do is going to anger some people. However, he said Councils #1 charge is the health and safety of the citizens and it will take considerable courage to step up to that challenge.

11. Don Martin, owner of Time Zone, said that we are here again, having the doctor here stating all his figures again. He said he would have a doctor here next week to dispute the other side. He said there are a lot of things that are bad for you, but we do them. This is an adult choice. He provides his business for an adult share of the market. If you take away his market, you take away his business. His business is 80% smokers. His business will never be on the same playing field as a large, corporate franchised business. He's been here for 11 years. It's discriminatory to not allow people to smoke. This is a legal activity. He said business owners have the discretion to set standards for their businesses. He said he understands about asthma. His wife has it, but there are choices for those who suffer and don't want to be in a smoking environment. He asked that Council not take his market away.
12. Brenda Large, resident and has been with the Post Time Lounge for 25 years. She has never smoked in her life. She doesn't think it is right for anyone to tell them they can't let their customers smoke. She hopes that Council chooses to vote against this.
13. Tina Badurina, life-long resident, who has chosen to raise her children here. She said she has had opportunity to attend several meetings in the last few weeks. She listened to the passion of the Hoover Crossing residents over a home owners association. This week she listened to the BZA lament over a flashing sign for the school. At some level, these things seem all so simple. Two years ago, this Council chose to get rid of beer at the Alumni Tournament because we are a family community. She said the reason she lives here is because our Council takes a stand. They stand up for what they believe in and does what they have to do to make our community a better place. This year they will have 91 teams in the Alumni Tournament, not because they can drink in the streets, but because this is where their heart is. It is where her heart is. She believes the residents would support the businesses because they support the community. She said she loves the food at Memories, but doesn't go there because it is too uncomfortable for her family, but she would go there if it were non-smoking. She supports the businesses here because she wants her community to be successful. She questioned how Council could vote against something that, arguably, would affect the health and safety of our community. With something so inherently health and family oriented, goes against the message that Council has always set if they vote against it. She said it is the families that matter.
14. Gilbert Sheets, resident, said he lost his wife to cancer, who smoked. He expressed his support for the ban. He said the interesting thing about businesses is that he doesn't see McDonalds or Wal-Mart closing down. He gave statistics about lung cancer. Fifteen percent (15%) of new lung cancer patients will not have smoked a day in their life. If lung cancer spreads before it is found, your survival rate falls to 2%. One million people worldwide will die of lung cancer each year. He said those who support smoking say they don't want government in their business. While he understands and appreciates that, the fact is government is their business. He is the Deputy Fire Chief of Jackson Township and his duty is to protect and serve. He doesn't believe that smokers can have it both ways.

They don't want government in their business, yet they use the government to sue the tobacco businesses because they got lung cancer from smoking. It is sad that cigarettes are a legal product and the government makes a lot of money from them, but they still kill. He said State and Local government make laws all the time to restrict people. He wonder's if businesses understand that as a fire chief, he can come in and shut down a business in a second if there are too many people in that establishment. There are rules imposed every day on all of us. The main reason for those rules is to protect people. This smoking ordinance is designed to do the same thing. His wife Veronica, never smoked. However, she worked around those who did. She developed lung cancer. She left two young girls behind and he pronounced her dead at their home. He asked, as a community, what do we need to do? He feels Council needs to put this ban in place.

15. Karen Brunton, resident, said she is totally against a smoking ban. She doesn't think it's right to tell these businesses what to do. She asked Council to vote against this and let the non-smokers get the referendum together to put it on the ballot. She said leave their freedoms and rights alone.
16. Mary Shaw, resident and attends OLPH, said she is a recovering smoker and has a lung disease. She said it was her choice. The point is we have freedom of choice. The only smoking protection Americans need is freedom of choice. She finds it a little insulting that a Council seems to think that they can make better choices for her than she can make for herself.
17. Bill Myers, resident, said everyone has the right to breath clean air. Second-hand smoke is a proven carcinogen. Government, through its regulatory authority, has the legal and moral obligation to protect public health and safety. He said businesses do not have the right to do anything they want in their walls. He said more Central Ohio communities have become smoke free and the playing field is becoming increasingly more level, through consistent smoking language. He said there is no constitutional right to harm someone else. All this ordinance does is take cigarette outside. He knows this is a very emotional issue for all involved, but this is all about health. Communities that have enacted strong clean air acts are making a difference. A recent study shows that exposure to certain toxins found in second-hand smoke since 1991, have reduced by 75% in adults & 70% in children. He said that is because of strong clean indoor air ordinances being passed. He asked that each of them search their own conscience. He believes that Council will do the right thing and pass this ordinance without exemptions.
18. James Hastrich, resident, said unfortunately, he is a smoker. He wishes he wasn't and doesn't smoke around people. He goes outside and it takes him 5 minutes. The outside air doesn't harm him. He said he and his wife would like to patronize local businesses, but don't. He said one owner said 80% of their business is from smokers. He believes there is 80% of non-smoking residents that would patronize businesses if a ban were passed and hopes it goes through.
19. Christine Hastrich, resident, said she agrees with husband. She would love to support GC businesses but can't. She now goes to Columbus. Hopes the ban passes so she can help with bingo and support the schools and businesses.
20. J.J. Hastrich, resident, also voice support for the smoking ban.
21. Connie Morgan, owner of G.C. Lanes building, said she does not smoke but is for smoking. It is a right. We don't live in Russia. That business has been there for 52 years and would hate to see some other kind of business move into that building. She said they have smoke eaters and feels all businesses should have ventilators/equipment to draw out the smoke. She invited Council and the Mayor to G.C. Lanes to see how well they work. She explained that you couldn't go outside with bowling shoes on to smoke. She said it just can't be smoke free. Bowling is coming back and they do

about 90% of the businesses of Stardust Lanes. She said that says something about their business and it is as good as any. She is from GC and doesn't want to see people suffer. She wants people to have their choice. She feels those that are against smoking, at some point probably smoked in their life.

22. Shelly Williams, resident, said she is strongly against this. No one has the right to play God and tell her what she can and can't do, as an adult, when she gets home from work. She wasn't able to vote in Columbus and was upset to have to listen to those who don't even live here. This is Grove City's time and it's wrong for them to come here and try to play God, while our business owners are scared that they will lose their business. She said when she goes to McDonalds to eat, she is there for 15 minutes. That is a lot different than three (3) hours spent at a Dart League.
23. Stan McCloy, is a doctor at the Grant Family Medicine Center, and thanked Mayor G. for her invitation to speak. He said heart attacks are caused by smoking and is the #1 risk factor. He cited from a study in Montana who enacted a city-wide ban on smoking. Heart attack rates dropped 40% at the local hospital. They then repealed the ordinance and heart attacks returned to what they were before in six months. He said Kent, Ohio has seen similar drops since enacting a smoking ban. He said the problem with ventilation is that a lot of the smoke can be removed, but the carcinogens still remain. As a physician he only deals with the facts and urges his patients not to smoke. If governments are going to protect the public, the fact is passing these ordinances does improve the health of people.
24. Greg Mare, resident and parent, said as a parent it is his responsibility to protect his children and not subject them to second-hand smoke. As a result, they have few places in Grove City to eat. They like to spend their money here and raise their children here. He said he hopes Council passes the ban.
25. Fred Bollinger, resident, said it is not a matter of smoking. It is a matter of choice. He said it is not Council's place to make those choices for them. He said Council made a choice for the alumni party for everyone last year and people said they would bring their families. He asked where they were last year. This year, we aren't even having a party. He said don't take away their choice.
26. Mike Merriman, resident, said he is a smoker and knows the risks. Non-smokers also know the risks. He said Columbus banned smoking and then raised taxes. He asked how many freedoms are going to be taken away. He said standing outside makes you breathe in exhaust fumes- news flash, we are all going to die from something sometime. He said the police have better things to do than look for smokers. There used to be prohibition and government lifted that.

President Saxton thanked everyone for coming and announced that this item will have its second reading and public hearing on Monday, August 1, 2005 at 8:00 p.m.

There being no further business of this special meeting, the meeting was adjourned.

Council adjourned at 8:47 p.m.

Tami K. Kelly, MMC
Clerk of Council

William E. Saxton
President