

# City of Greencastle

City Hall  
One North Locust Street, P.O. Box 607  
Greencastle, Indiana 46135  
765.653.9211  
[tglenn@greencastle.com](mailto:tglenn@greencastle.com)



**Teresa P. Glenn**  
Clerk Treasurer

## Greencastle Common Council Minutes Regular Session

**May 8, 2007**

**7:00 P.M.**

**Greencastle City Hall**

- I. Call to Order; Roll Call
  - A. Mayor Michael called the meeting to order at 7:05 PM, all councilors present.
- II. Special Requests/Presentations
- III. Public Petitions and Comments
- IV. Approval of Minutes
  - A. Regular Meeting April 10, 2007
  - B. Special Meeting April 26, 2007
    1. Motion by Bob Sedlack to approve as presented, second by John Lanie, unanimous approval, Mark Hammer abstains from 10<sup>th</sup>, Tom Roach abstains from 26<sup>th</sup>, unanimous approval.
- V. Approval of City Claims
  - A. Motion by Mark Hammer to approve claims as presented, second by Russ Evans, unanimous approval.
- VI. Old Business
  - A. **Ordinance 2007-3** – Ordinance Prohibiting Smoking in Public Places and Places of Employment, **Second Reading**
    1. Mayor Michael began discussion by addressing the audience present by asking anyone who wishes to speak to come to the podium after discussion by Council.
    2. Mayor Michael reviewed Ordinance as presented with changes from Special Council Meeting held April 26, 2007. At this time Mayor Michael opened discussion up to Council. Tom Roach began with an apology to public for not being in attendance at Special Session due to his reluctance to hold meetings when they are not being videotaped. Roach continued his concern is with children who can not protect themselves from exposure to second hand smoke. Motion to amend Section 3 with additional language to read, “Smoking shall be prohibited in all enclosed public places within the City of Greencastle **during any period of time when persons under the age of 18 are present and invited on premise.**” Motion failed due to lack of second. Councilor John Lanie spoke next requesting amendments as follows: **Section 1. Definitions, item c. Private Club shall be amended to include the following language (iii) Registered under Indiana Law; and (iv) Determined by**

**the Internal Revenue Service to be operating under not-for-profit status. Section 3. Smoking Prohibited in Public Places shall be amended to read: Private Clubs, during any period of time that the public is present and invited on the premises. Section 5: Where Smoking is not regulated: shall be amended to include d. Private Clubs, as described in Section 1. Definitions, item c., and as regulated in Section 3. (I).** Motion by John Lanie to amend Ordinance 2007-3 as presented, second by Russ Evans, discussion. Bob Sedlack spoke next stating his desire is for a comprehensive Ordinance, however, he can live with this compromise, feels this is a good compromise and believes if this Ordinance passes it will protect employees and he is happy to support. Tom Roach asked for definition under members and guest as defined by State non-profit regulations. Mark Hammer spoke next asking to expand upon this. Private clubs even when operating will have an unfair advantage. Could live with this, however, would like to ask for further exemptions. The comments he shared on April 26, 2007 are still as valid today as they were then. Does not believe we as council should allow an unfair advantage to one group over another. Russ Evans commented he believes Private Clubs are private and should remain as such. Believes this is a fair decision as amended. Mayor Michael opened meeting up for public discussion and asked that comments from audience be relevant to this amendment. Carolyn Hammond, private business owner, spoke regarding private clubs and feels discriminated against as an establishment serving over 18 years of age, asked Council to consider including bars serving adults. Becky Wallace commented as an adult we should have the right to choose where we frequent and right as parent to raise our children. Tim Filler spoke regarding smoking and how it affects those who choose not to smoke regarding membership clubs. Jack O'Brien, local American Legion shared he could live with Ordinance as amended. Joe Barker past governor of Moose Lodge shared comments on unfair advantage of private business and non-profit organizations. Commented freedom of choice is at issue here. Governor of Moose Butch Alexander shared a true story about Karaoke Party at bowling alley with no smoking or drinking. Hold many events that are smoke free for children. Karen Beaman shared comments that when she was 12 years old had more freedom then she has now, wrong to legislate where we as citizens and what we can and can not do. This is not a moral issue. Mayor Michael reminded audience that council have hard decisions to make and are not always popular. Called for the vote, unanimous approval motion carried. Mayor Michael opened discussion regarding any further amendments. Mark Hammer commented with this amendment we still have changes to make, originally this Ordinance was set out to protect employees. We have heard from owners of bars and bar/restaurants and need to have something that is fair and equitable. We must have an exemption for bars and bar restaurants. Motion to amend allowing bars and restaurants with separate bars to be exempt as follows: see attached Motion by Mark Hammer, second by Tom Roach, discussion and

questions and comments from the audience. Louise Reinike commented regarding this proposal to this amendment. Pleasure before health others claim to put economic equity before public health along with scientific research that supports comprehensive Ordinance that benefits those working in these establishments not taking public health seriously is costly to everyone, businesses, families, governments. Mike Smoot public health issue concern is not anybody's business. Amendment requirement forcing business to install purification system is an embargo. Tyler Wade GHS junior laughable about double talk, level playing field when was the last time a bar made a contribution to charities as much as private clubs do. Moore's bar contributes to the community in many ways; this is about freedom of choice. Filler amendment is good. Adults don't need a baby sitter; this is a freedom of choice issue. Mike Houston believes this is just the first step in mandates that chip away at our personal freedom and liberties. Let business owners make their own decisions about smoke or smoke free. Meredith Williams, Director of Putnam County Tobacco Prevention asked to bring focus back to employees and their rights to breathe clean air. Would prefer no ordinance as to the one presented tonight with the latest suggested amendments. Carolyn Miller, Putnam Inn owner, if this ordinance is passed as amended by Mark Hammer, she would be willing to put up walls and ventilation systems. Agree that individual rights are at issue, but this is inevitable. Karla Sneegas, Indiana Director for Smoking Prevention and Cessation thanked Council for their courage to have this discussion regardless of how this discussion ends. Data regarding amendment ASHRAY, HVAC system can not control health risk where smoking is allowed. Surgeon General no risk free exposures to second hand smoke. Carcinogens do not smell. Study conducted in Indiana air tested in 3 diff cities, Bloomington (comp. non smoking), compared to FT. Wayne (similar to amend Ordinance tonight) and Indy (no ordinance) level of particulate matter measured decreased by 89% after ordinance in Bloomington went into effect. Helena 40% decrease in heart attack admissions to hospital during Ordinance effect, increased upon rescission of Ordinance. Melvin Gaston shared he has not heard any rebuttal on this Ordinance. Health facts; ask any insurance agent mortality rate is higher for adults and not all smoking that is affecting the mortality rate. Submitted health benefits of not smoking. Supports amendments questions authority to declare Greencastle a Smoke Free Community, imposing morals on community. Mayor Michael reminded council we are voting on amendment by Mark Hammer, Bob Sedlack stated that he will vote against this amendment due to evidence over and over again that ventilation systems do not protect public health, Mayor Michael commented at the end of this evening we hope everyone can leave here knowing that we have discussed many options; call for the vote, 3 nays John Lanie, Bob Sedlack, Russ Evans, 2 yeas, amendment does not pass. Motion by Tom Roach to amend effective date to be November 1, 2007, no second, amendment fails.

3. John Lanie stated he feels amendment is good but does not take into consideration employees and choice to go to these establishments; it is not anyone's right to smoke in my airspace.
  4. Motion by Bob Sedlack to pass Ordinance as amended, second by Russ Evans, discussion. Tom Roach will not support, Mark Hammer will not either. Ayes, John Lanie, Russ Evans, Bob Sedlack, Nays, Mark Hammer, Tom Roach, and Ordinance passes.
- B. Reconvened at 8:58 PM
- C. **Ordinance 2007-4** – An Ordinance Amending Section 8-76(a) of the Greencastle City Code, **Second Reading**
1. Motion by Russ Evans, second by Bob Sedlack with question to attorney regarding delivery weight for local deliveries. Russ Evans withdrew motion, second withdrawn, motion to table by Russ Evans, second by Bob Sedlack, unanimous approval.

VII. New Business

- A. **Ordinance 2007-5** – An Ordinance Amending Chapter 4, Article 2, Divisions I and III of The Greencastle City Code, **First Reading**
1. Laurie Hardwick addressed this Ordinance and need to amend City Code regarding this issue. Motion by Bob Sedlack, second by Mark Hammer to waive reading in its entirety, unanimous approval. Discussion. Motion by Mark Hammer to approve on first reading, second by John Lanie, unanimous approval.
- B. **Ordinance 2007-6** – An Ordinance Creating Section 9-23 Of The Greencastle City Code Regarding Water Line Ownership, **First Reading**
1. Mayor Michael read this Ordinance in its entirety. Terry Dale, Waterworks Department Superintendent in attendance to discuss this Ordinance. This has been a policy in effect during Mr. Dale's tenure; however, he is requesting a written Ordinance for this policy. Discussion. Motion by Tom Roach to amend with added verbage regarding ownership of meter, second by John Lanie, unanimous approval. Motion by Tom Roach to pass ordinance as amended, second by John Lanie, unanimous approval.
- C. **Ordinance 2007-7** – An Ordinance Amending Sections 9-21, 9-27, and 6-99, Of The Greencastle City Code Regarding Unclaimed Utility Deposits, **First Reading**
1. Laurie Hardwick discussed this Ordinance and the necessity of this Ordinance. Motion by Bob Sedlack to approve as presented, second by Russ Evans, unanimous approval.

VIII. Department Reports

- A. Water Works – Terry Dale
1. Present; nothing to add.
- B. Cemetery – Ernie Phillips
1. Present; nothing to add. Memorial Service at Cemetery Monday, May 28 at 11:00 AM.
- C. City Engineer –

- D. Fire Department – Bill Newgent
  - 1. Not in attendance due to mutual aid in Crawfordsville this morning.
- E. Park and Recreation – Rod Weinschenk
  - 1. Present; Nothing to add.
- F. Planner – Shannon Norman
  - 1. Present; Nothing to add. Putnam County working on Comprehensive plan for county, chairing the development task force asking if any council interested to please let her know.
- G. Police Department – Tom Sutherlin
  - 1. Present; Nothing to add. Will be in “dunk tank” at fairgrounds on Saturday for the Humane Society. Newest Officer is Ed Wilson returning to GPD effective May 7, 2007.
- H. Street Department – Paul Wilson
  - 1. Present; Nothing to add. Overlay bid opening this Friday. Bob Sedlack asked about parking on East Washington Street. Tom Roach shared still need striping along new section of Franklin Street.
- I. Wastewater Department – George Russell
  - 1. Present; nothing to add.
- J. City Attorney - Laurie Robertson Hardwick
  - 1. Present; Nothing to add.

IX. Reports

- A. Mayor’s Report
  - 1. Community Center Committee continuing to work. Third graders from TZ will be visiting on Friday. Hickory Creek at Sunset will be conducting BP and sugar checks on Wednesday, May 23 from 9 to 11 AM.
- B. Clerk-Treasurer’s Report
  - 1. Reported on recent Budget process.
- C. Councilors
  - 1. Russ Evans shared that Albert Epple and Tim Trigg have idea for BWSP will be receiving lightning detectors for umpires to wear during games from Prosecuting Attorney’s Office.

X. Adjournment

- A. Motion by Tom Roach to adjourn, second by Russ Evans, unanimous approval at 10:01 PM.

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Nancy A. Michael, Mayor

ATTEST:

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Teresa P. Glenn, Clerk Treasurer