

COMMON COUNCIL MEETING  
AUGUST 7, 2006  
TIME: 6:00 P.M.

Present: Mayor Frank Manus, Glenn Tebbe, Gary Herbert, Larry Bower and Helen Gardner. Ken Dornich was absent.

Pledge of Allegiance was recited.

Minutes were approved.

Lisa Westenburger of ARA presented the Council with the agreement for general administration technical assistance and advisory services for the comprehensive planning grant. In addition she reported on the housing application in the amount of \$200,000 that the City of Greensburg has applied for. This would be for home repair in the amount of \$13,000 per home. The State will be awarding these grants on October 26<sup>th</sup>, 2006. Gary Herbert stated that he does not want the City's local match of \$20,000 being paid out of Edit Money.

**Motion by Larry Bower and seconded by Helen Gardner to approve the signing of the Agreement between the City and ARA. So passed.**

Bryan Robbins introduced Angela and Doug Phebus. They have just purchased the big apartment building downtown on the corner of South Franklin and Main Street.

Bob Dougherty told the Council that they are ready to go with the special skydiving record on September 8<sup>th</sup>.

Vicki Kellerman gave an update on the Economic Development Corporation. Vicki handed out the 2005-2006 Annual Report. Greensburg has been invited to participate in a business mission in Japan on October 14<sup>th</sup> to October 21<sup>st</sup>. A lot of communities are sending the Mayor and an EDC representative. Vicki recommended the Mayor being sent. Vicki will represent the EDC.

Discussion was held concerning the Resolution 2006-11 and SB-1 Tax Abatement for STI. STI representatives were present to answer any questions that Council had.

**Motion by Glenn Tebbe and seconded by Larry Bower to approve Resolution 2006-11 and SB-1 Tax Abatement for STI. So passed.**

**Motion by Glenn Tebbe and seconded by Larry Bower to pass on 2<sup>nd</sup> reading Ordinance 2006-14 and Ordinance 2006-15 salaries. So passed.**

**Motion by Helen Gardner and seconded by Larry Bower to pass on 2<sup>nd</sup> reading Ordinance 2006-16 and Ordinance 2006-17 salaries. So passed.**

**Motion by Glenn Tebbe and seconded by Helen Gardner to pass on 2<sup>nd</sup> reading Ordinance 2006-20 speed limits. So passed.**

**Motion by Glenn Tebbe and seconded by Larry Bower to suspend the rules and regulations. So passed.**

**Motion by Helen Gardner and seconded by Gary Herbert to pass on 3<sup>rd</sup> reading Ordinance 2006-20. So passed.**

**Motion by Helen Gardner and seconded by Larry Bower to pass on 1<sup>st</sup> reading Ordinance 2006-22 adopting supplement to code of ordinances. So passed.**

**Motion by Helen Gardner and seconded by Glenn Tebbe to suspend the rules and regulations. So passed.**

**Motion by Glenn Tebbe and seconded by Larry Bower to pass on 2<sup>nd</sup> reading Ordinance 2006-22. So passed.**

**Motion by Larry Bower and seconded by Gary Herbert to pass on 3<sup>rd</sup> reading Ordinance 2006-22. So passed.**

**Motion by Helen Gardner and seconded by Larry Bower to pass on 1<sup>st</sup> reading Ordinance 2006-21 establishing fees for maps, etc. So passed.**

**Motion by Larry Bower and seconded by Glenn Tebbe to approve moving insurance monies from the general fund to the police equipment repair in the amount of \$538.58 and \$2939.48. So passed.**

A very large crowd of concerned citizens were in attendance for the Ordinance 2006-9 smoking in public places and places of employment. The Private Clubs were represented by a spokesperson and the other concerned citizens were invited to speak.

The private club spokesperson was as follows:

1. Knights of Columbus – Doug Lloyd
2. Eagles – Dennis Hensley
3. Eagles Auxiliary – Melissa Cochran
4. Moose – Jim Stuart
5. American Legion – John Land
6. Country Club – No one
7. Knights of St. John's – No one
8. D. of I. – No one
9. K. of P. – No one
10. American Legion Auxiliary – No one
11. Moose Auxiliary – No one
12. Knights of St. John's Auxiliary – No one

The private clubs remarked on the monies that they give to charity, police, fire and other community projects and the impact of being smoke free will have on their clubs and some of the functions they have to raise money. They feel that the private clubs should not be included in the Ordinance. The Ordinance is taking away their rights.

Many in the audience expressed their rights being taken away. Forty-two people spoke. Some were against the Ordinance altogether and some were for the Ordinance without the private clubs included and some were for the Ordinance with private clubs included.

It was brought up could there be a different option for the Private Clubs. Some have separate rooms.

Two letters were read one for the Ordinance and one felt that the bars should be included if the private clubs were included.

Glenn Tebbe stated that several individuals have been present at the other meetings who were in favor of the restrictions, but most of those here tonight are from the Private Clubs. Private Clubs serve the public very well and it is appreciated. Because the clubs do serve the public it makes it difficult to find the balance between common good and rights of the separate groups, just as it does for businesses and other work places.

It is clear from comments here tonight that many are not opposed to the smoking ban but just against including the private clubs. Why the distinction? Businesses

have the same concerns. One difference in exempting the bars is that there is already restrictions - you have to be 21 years or older to get in. Also one does not need to attend a bar. In the case of a club one may want to associate to promote the causes and purposes of the clubs.

This decision is not being made without careful thought and consideration of all points of view. People are not being asked “not to smoke”, but only not to smoke in an enclosed public area where others’ health is affected. It’s really a matter of public health. Individual’s right to smoke remains. Property rights are not unlimited. Owners must be respectful of how use of property affects others property and well being. No one is allowed to do anything he wants on his property – consider building safety, manufacturing processes and other activities that affect the health and safety of the public. These restrictions are in place to promote the common good.

He is not opposed to giving more thought to the issue if that is what the rest of the Council would like to do. He supports the Ordinance as it is but is also willing to exclude the Private Clubs if the Council believes that is in the best interest of the community.

Helen Gardner extended appreciation to everyone for coming and that Council has not taken this lightly. Most clubs are not private. They hold public functions.

Helen questioned where a Restaurant/Bar type would fall under this Ordinance and would they be excluded as a bar instead of a restaurant/bar. Larry Bower answered they would be included.

Helen stated that she could go either way, but feels the clubs are no longer private because they cannot make it on dues, they need other functions for revenues.

Larry Bower recalled that he drafted the Ordinance from a sample Ordinance and six other Ordinances from surrounding Cities of Greensburg. It was drafted excluding Private Clubs.

Larry stated that he supports this Ordinance as it stands with Private Clubs included but could also support it without the Private Clubs included.

Gary Herbert stated that he was surprised that the Greensburg Country Club did not show up. Gary read reports in a Bloomington newspaper article and other

cities and stated that the more restrictions in an Ordinance the harder it is to enforce.

Gary read a letter from a citizen that with bars exempt it makes it unfair with Private Clubs. The citizen was for including the bars or to stop the bars gambling.

Gary is not for including the Private Clubs and does not like open endings in the enforcement Ordinance. He asked the City Attorney Steve Taylor what he would do if a business has a fourth offense. City Attorney explained that it would go to the courts. The City and the citizen, both have a right to plead their case.

Gary asked what happened to freedom of choice and is opposed to the Ordinance with or without exclusion of private clubs. He stated that smoking is a nasty, stinky, dirty habit and yes a health hazard. He noted that he is in favor of an Ordinance that would restrict smoking around children, such as parents and others in cars.

Gary set a partial bottle of water on the table, took off the cap and stated that if it set there long enough it would evaporate.

Gary stated that his mother died of ovarian cancer, it wasn't from smoking, but so women will not get ovarian cancer then after they have their babies then maybe they should have their ovaries removed.

Gary stated he is fully against the Ordinance and feels that notices regarding smoking or no smoking in a public place should just be posted.

**Motion by Larry Bower and seconded by Glenn Tebbe to pass Ordinance 2006-9 on third reading. Gary Herbert nay. Glenn Tebbe, Larry Bower and Helen Gardner ayes. So passed.**

**Motion by Larry Bower and seconded by Helen Gardner to pass Ordinance 2006-10 on third reading. Gary Herbert nay. Glenn Tebbe, Larry Bower and Helen Gardner ayes. So passed.**

Don McCrary was present for the Airport Board. Don had a meeting with the County Council and they are not supporting anything more than a site study. He met with the Commissioners and one was for and one was against and one commissioner was not there.

At the end of 2007 the Federal program goes away. There is \$68,000 in the account and he would like to know where the City stands.

The Mayor feels this should be continued on but the City cannot take this on by itself. Larry Bower and Helen Gardner expressed going ahead with the site study.

Marc Haston asked for a discussion before they voted. Marc said he has checked with INDOT and a lot of people were against having the airport expanded in the existing location. After a site study is done then it is the FAA's decision of where the airport will be and it could stay at the present site. He opposes the expansion in the present site.

Don McCrary told Council he is not asking the City to sign a Resolution. He is only asking for continuing the site study. You are only locked in if you sign a Resolution.

**Motion by Gary Herbert and seconded by Helen Gardner to continue with the site study. So passed.**

Nathan Harter, Jr. was present and talked of three ideas concerning development and support of downtown. He wants to establish a meeting for discussion to determine interest. Council and Mayor supported the meeting and discussion.

Council set budget work sessions for August 21<sup>st</sup> at 6:00 P.M. and August 30<sup>th</sup> at 6:00 P.M.

Discussion was held on Ordinance 2006-19 to set fees for sewer connections.

Larry Bower questioned how this would affect a person in a forced annexation. Would they have to pay the fee? Kathy Reynolds stated that an amendment could be put on the annexation petition for the immediate area to keep this from happening. City Attorney Steve Taylor explained what Kathy was referring to and agreed with this assessment

**Motion by Glenn Tebbe and seconded by Larry Bower to pass on 2<sup>nd</sup> reading Ordinance 2006-19 sewer connection fees. So passed.**

Mayor stated that he had a person approach him from the K.of P. Building about lowering the age to 16 for the billiards room. **This had been brought up before and the Council decided not to change the current law.**

Helen Gardner questioned about the fountains that are not working at the Westridge Addition. Kathy Reynolds stated that she believes the homeowners out in Westridge Addition want certain things done before they are willing to take this over.

Gary Herbert told Council that he has spoken with Mr. Whitaker.

Glenn Tebbe said that the Plan Commission could fine Mr. Whitaker.

Discussion was held concerning semi trucks using Moscow Road, Carver St. and some streets in residential areas that they should not be traveling.

Helen Gardner asked if there has been any progress on the Old YMCA. The answer was no.

Meeting adjourned at 9:35 P.M.

PRESIDING OFFICER:

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Attest:

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Clerk-Treasurer

