

**District III Advisory Board Minutes**  
**January 9, 2008**  
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The District III Advisory Board meeting was held at 7 p.m. at the Wichita Water Center at 101 E Pawnee. Nine District Advisory Board members were in attendance; nine City staff and 32 members of the public were present (one did not sign in).

**Members Present**

Teresa Cook  
Charlotte Foster  
Jim Gulick  
Joann Hartig  
Paula Hearn  
John Kemp  
Georgia Lambke  
Billie Tucker  
Bill Ward  
Council Member Jim Skelton

**Members Absent**

Judy Dillard  
DeWayne Kitchen

**Staff Present**

Lt. Steve Kenney, Patrol South  
Lt. Clark Wiemeyer, Patrol East  
Off. Justin Whyte, Patrol East  
Off. Doug Mitchell, Patrol East  
Off. Barry Gomes, Patrol South  
Off. Claudale Cavanaugh, Patrol South  
Off. Ginny Wylie, Patrol South  
Janet Johnson, Neighborhood Services  
Brian McLeod, Law Dept.

**Guests**

Listed on the last page

**ORDER OF BUSINESS**

At 7:06 p.m. **Council Member Skelton** called the meeting to order. The meeting minutes from Dec. 5, 2007, were approved.

**PUBLIC AGENDA**

**Scheduled items**

No items

**Non-Scheduled items**

No items

**STAFF REPORTS**

**Community Police Report**

**Officer Justin Whyte, Patrol East Beat 34**, reported that he has been moved from the 32 Beat to the 34 Beat and Officer Doug Mitchell is the new Community Policing Officer on the 32 Beat. **Officer Whyte** reported that crime in general is down in the Patrol East portion of District 3 with the exception of non-residential burglaries, which are up significantly. He said this is primarily due to unlocked sheds. Regarding the rape/robbery at Douglas and Edgemoor, there have been no arrests, but there haven't been any similar incidents either.

**Richard Hill, 4555 Laura**, asked if Wichita still has a curfew because there was a 14-year-old scoping the neighborhood at 5 a.m. one day. **Officer Mitchell** said Wichita does have a curfew.

**Officer Cavanaugh, Patrol South Beat 26**, reported that crime was also down in her beat last month. There was a robbery with shots fired when a man walking his dog refused to give up his wallet to a would-be robber. **Off. Cavanaugh** is also working on a flyer regarding motorized vehicles (such as mopeds) that she will use to educate the neighborhoods.

**Officer Barry Gomes, Patrol South Beat 28**, introduced himself as the new CP Officer for that beat.

**Action: Receive and file.**

## NEW BUSINESS

### Smoking ban ordinance

**Brian McLeod, Law Dept.**, presented an overview of the City of Lawrence smoking ordinance. He provided a written document and noted a correction on the back page where the fine for a 2<sup>nd</sup> offense should be \$500 instead of \$300. **McLeod** reported that the City chose to look at the Lawrence ordinance because it is a “lawful” ordinance, its purpose is to protect the public health and they have a high level of compliance. He said more information can be obtained at their website lawrenceks.org.

**Jim Gulick** wanted to know under the penalties section of the ordinance, who the fine applies to, the business owner or the individual who made the violation. **McLeod** said it could apply to either.

**Charlotte Foster** said she had concerns about the conference room settings that would still allow smoking.

**Charlie Claycomb, 151 N. Rock Island**, is co-chair of the Smoke Free Coalition and he presented information on the 2006 Surgeon General’s report that states that second hand smoke causes cancer and heart disease. He also reported on a random survey that the Coalition conducted through Wichita State University. He said 5,000 surveys were mailed to registered voters and of those 1,135 were completed. Of those, he said 73 percent favored a clean air ordinance. He said Sunflower also did a survey of 400 Republicans and 100 Democrats and they got similar results, so this is not a partisan issue. **Claycomb** said they believe that the ordinance should cover all businesses, including restaurants and bars. He also made reference to an article that ran in the Arkansas Gazette on Dec. 25, 2007.

**Don Hamm, 1301 Wassall**, said he started smoking when he was a Marine in the 1950s, Eisenhower was President, and he got cigarettes in his c-rations. **Hamm** said people don’t go anywhere in Wichita where they are around smoke unless they go play bingo or go to someplace like Mort’s cigar bar. He also pointed out that there is a seven-cent tax on every cigarette and liquor is taxed 18 percent. **Hamm** said he thinks Wichita is getting along just fine and the smoking ban should be dropped because we already have enough ordinances.

**Larry Overstreet, 920 E. 43<sup>rd</sup> St. S.**, said this issue was visited about 15 years ago when he was sitting on the Zoning Board. He said under current law, every business has the right to deny

smoking, but they just don't want to speak up and stand up – they want someone else to do it for them.

**Marsha Lusk, 2265 McAdams**, said that second-hand smoke is a danger to your health and that everyone deserves clean indoor air. She doesn't believe that the City Council should ignore this issue.

**Diane Cline, 2037 Brentwood**, said she runs the Shadow and has always been in favor of a smoking ban. She said it is coming regardless as 29 states already have one and that it is a health issue, not a civil rights issue. She said she fears for her employees' health and that when people from other cities come visit over the holidays they say they wish Wichita had a smoking ban. She said that bar owners who oppose a smoking ban either are smokers themselves, or they don't have a patio.

**Dr. Jennifer Bacani, 116 S. Pinecrest**, is an intern at St. Joe hospital and she said that according to the Surgeon General's report, there is no doubt that second-hand smoke causes premature death. She also cited a number of health problems for children and adults that are linked to second-hand smoke, including SIDS. She covered the various medical consequences of being around second-hand smoke.

**Dr. Rick Moberly, 505 N. Rock Road**, is also at St. Joe hospital and he said the evidence is clear that smoking and second-hand smoke causes health problems. He also said there are no ventilation systems in existence that work and effectively remove smoke. He said there are legal repercussions for businesses that allow smoking.

**Ralph Sprayberry, 2157 S. Washington**, said citizens should have doubts about the Surgeon General's report. He said that the report contains no new evidence and he cited a number of other studies including an EPA study and information from the British Medical Journal.

**Roger Smith, 132 S. Edwards**, said what is being proposed is not a "smoking ban" but rather a "clean air ordinance" and that the science is incontrovertible. He also said it isn't a question of business "rights" because businesses are already regulated. **Smith** said clean indoor air is a reasonable request and that letting the market decide works, but that it's very slow. He said that the clean air ordinance has to be comprehensive and exemptions destroy the level playing field. He said Wichita should adopt a clean air ordinance because it's the right thing to do, not because someone else is doing it.

**Paul Weigand, 1141 Denker**, said he owns Shooters bar and Weigand Motors across the street. He said this country was founded on individual freedoms; he has been in business for 19 years and 80 percent of his customers smoke and 95 percent of his employees smoke. **Weigand** said he can understand a smoking ban in restaurants and pointed out that in restaurants you want the customers to leave so someone else can come in, but in a bar you want people to hang around and if they can't smoke they won't do that. He said every business should post their smoking policy and it should also be included on job applications.

**Carolyn Gaughan, 1232 N. Shefford**, is a member of Tobacco Free Wichita and also works in the medical field. She said this is a very important public health issue and we need to think about lungs of people who don't smoke and employees who may not have a choice. She said less than 20

percent of the population smokes and they may not believe the risks, but second-hand smoke contains more than 250 dangerous chemicals.

**Paul Davis, 6417 S. Madison**, runs an auto salvage business and he said 80 percent of his employees smoke. He pointed out that in his business there are other aspects that are probably more dangerous than second-hand smoke and that he felt businesses should have the right to choose their own policy.

**Matt Goolsby, 355 N. Rock Island**, said he frequents the Shadow and has questions about how truly concerned the owner is about second-hand smoke based on her business decisions. He also questioned the validity of the survey that was done by the Clean Air Coalition. He said that KAKE-TV and the Wichita Eagle both did surveys and those surveys showed that only around 50 percent of the population favored a smoking ban. He said the free market principle should be applied to this issue.

**Richard Hill, 4555 S. Laura**, said he agreed with Matt. **Hill** said he doesn't think it's right that we're asking seven people (City Council) to dictate what individuals can do. He said it should be put on the ballot in the general election. He said that while he doesn't smoke, he works with smokers and they are always courteous and go outside to smoke. **Hill** said the City shouldn't be dictating to citizens and it should go on the ballot.

**Cindy Claycomb, 151 N. Rock Road**, is the co-chair of the Clean Air Coalition and she said the question is, "which freedom should prevail?" the right to smoke or the right to breathe clean air. She said if people would smoke responsibly it wouldn't have to be legislated.

**Bill Ward** asked for clarification on the Lawrence ordinance regarding having smoking items in one's possession. **McLeod** said the items referred to in the portion of the ordinance Ward was referring to must be "ignited" in order to be in violation – simply having smoking items on your person is not a violation.

**Georgia Lambke** said that she doesn't smoke, but her husband owned a business for many years and she thinks business owners should have the right to decide their own smoking policy. She said she supports no smoking in public places, but telling business owners that they can't smoke in their own business is ridiculous.

**John Kemp** expressed concern over the government infringing on individual rights. He said he believes many of the health issues cited are due as much to heredity as they are to smoking and second-hand smoke. He said he had cancer, but it wasn't caused by smoking and the City shouldn't take the rights away from people to choose.

**Gulick** said he is a smoker, but he doesn't care if the clean air ordinance passes or not, he will still frequent the same businesses that he does today. He said he doesn't advocate smokers' rights over those of nonsmokers, but things can get out of hand, like the tax that San Francisco has imposed on soda pop. He said he supports letting the market decide because if 80 percent of the population is comprised of nonsmokers, than any business that goes smoke free should be able to access 80 percent of the population and any business that continues to allow smoking would only be able to access 20 percent of the population. **Gulick** asked where public health legislation might stop – is it possible that we might eventually come up with an anti-fat people ordinance?

**Joann Hartig** said she would love to have a clean air ordinance because she is allergic to smoke, but she doesn't think we should tell businesses what to do.

**Foster** said she thinks smokers have a negative impact on everyone's health insurance and she doesn't like having to walk through smoke to get to a building, such as the State Office building. She also said she developed a tumor from breathing her boss's second-hand smoke.

**Teresa Cook** pointed out that this issue becomes emotional because many people are passionate about it. She asked about the possibility of placing the item on the ballot during a general election. **CM Skelton** said he would support that, but he wasn't sure if the rest of the City Council members would. He said Council members Longwell and Williams are currently working on a compromise ordinance.

**Billie Tucker** said he believes business owners should have the right to decide their own policies.

**Ward** said the only time a total smoking ban is appropriate is when you are transferring fuel, otherwise, people should have a choice and there should be options in the ordinance. He said he would not support a total ban.

**Kemp (Tucker)** moved to recommend denial of a smoking ban based on the Lawrence ordinance.

**Foster** asked if there is anyway a compromise could be made for places like Morts and Shooters. **CM Skelton** said he didn't have the answer to that. **Foster** said she thought the ordinance would have a better chance of passing if there were some compromise.

**The motion passed 7-2.**

**Action: Recommended denial of a smoking ban based on the Lawrence ordinance.**

**Gulick (Cook)** moved that the DAB recommend to the City Council that the issue be placed on the ballot for the general public to vote.

**The motion passed 9-0.**

**Action: Recommended the issue be placed on the ballot for vote for public vote.**

## **BOARD AGENDA**

### **Updates, Issues and Reports**

**Hartig** asked if the Board was interested in moving the meeting time to 6:30 p.m. like some of the other DABs have done. The Board voted against it 7-2, so the DAB 3 meeting time will remain a 7 p.m.

**Gulick** announced that Grandview Heights will now rotate their monthly meetings between the church and Office This. He also reported that one of their members feels that the City should snow plow residential streets that are located on a hill.

**Kemp** reported that work has started on the Gyp Creek flood control project located by Joyland.

**Tucker** announced that Hilltop has a neighborhood meeting scheduled for Jan. 31 at the Community Center. He also announced that their neighborhood grocery store – Homeland – has closed.

**Ward** said this spring Meadowlark is going to be focusing on a neighborhood painting campaign.

**Council Member Skelton** addressed a number of items:

- The interim City Manager is working out well
- 47<sup>th</sup> and I-135 meeting in December went well; Rep. Terry McLachlan agreed and said a large portion of the South Central Legislative delegation was present.
- Ground-breaking on the Fire Station should be occurring in the near future
- State of the City address is slated for Jan. 15
- The railroad corridor issue in District 3 won't be addressed until the Central Rail Corridor project is complete
- The proposed monument for South Central was not funded, but the street scape plan is in design
- The DAB will have a cookout this spring

**Action: Receive and file.**

### **Adjournment**

**Meeting was adjourned at 9:20 p.m.**

The next regularly scheduled meeting for District Advisory Board III will be held at 7 p.m., February 6, 2008, at the Water Center at 101 E. Pawnee.

Respectfully submitted,

Janet Johnson,  
Neighborhood Assistant – District III

### **Guests**

Elena Ingle	3608 Meadow Lane
Claudia Lee	2826 Greenwood
Donna Thornton	2714 Southfork
John Dickson	6054 S. Minneapolis
Paul Weigand	1141 Denker
Cindy Claycomb	151 N. Rock Island
Charlie Claycomb	151 N. Rock Island
Roger Smith	132 S. Edwards
Marsha Lusk	2265 McAdam
Jack Silvers	2319 S. Hillside
Leann Scrivner	1721 Exchange
Diane Cline	2037 Brentwood
Larry Overstreet	920 E. 43 <sup>rd</sup> St. S.

Carolyn Gaughan	1232 N. Shefford
Rick Moberly	505 N. Rock Road
Jennifer Bacani	116 S. Pinecrest
Matt Goolsby	355 N. Rock Island
John Todd	1559 Payne
Diane Cline	2037 Brentwood
Jesse Sheffield	2526 S. Mosley
W.C. Scrivner	1721 Exchange
Patti Farrar	4560 S. Hydraulic
Chad Ellsworth	1001 E. Marion
Ralph Sprayberry	2157 S. Washington
Andrew Gough	560 S. Yale
Rep. Terry McLachlan	
Paul Davis	6417 S. Madison
Don Hamm	1301 Wassall
?	2316 S. Cypress
Joe Fleming	5145 S. Ash
Cindy Hill	4555 Laura
Richard Hill	4555 Laura