

Ban still lights fire for some Kirksville citizens

Bars, restaurants see some changes among their patronage

BY DIANE POELKER
Assistant News Editor

Months after voting, Kirksville's citizens continue to debate the citywide smoking ban.

The Kirksville smoking ban, which went into effect July 1, prohibits smoking in all bars, city-operated facilities, recreation facilities, restaurants, amusement places and bed-and-breakfasts.

City Manager Mari Macomber said that although the vote was close — with 1,820 voting for the ban and 1,143 voting against it — votes for both sides were dispersed evenly throughout the city.

"[There were] 677 more votes for than against," Macomber said. "I don't see any districts where votes against outnumbered votes for."

Despite the appearance of consensus, the smoking ban still causes controversy among business owners and patrons.

"[The Kirksville police] haven't issued any citations yet, but there have been warnings," Macomber said.

When an individual is issued a citation for smoking in a restricted area, he or she faces a variety of punishments ranging from a \$100 fine to 90 days in jail depending on the frequency and number of offenses, according to the city of Kirksville's Web site.

Owners are expected to uphold and enforce the ban within the confines of their business. But for some, the new laws are hurting more than helping.

"There is a bar, ... the Full Moon, ... which is asking the city council to repeal because it is affecting their business," Macomber said.

The owners of the Full Moon were unavailable for comment. Other bars also have reported

changes in sales and atmosphere since the smoking ban.

Graduate student Theron Perkowski bartends at Ryan's Bar and Grill. He said the smoking ban has caused change in the flow of business.

"We're definitely selling fewer drinks," Perkowski said. "Regulars don't stay as long because most of the regulars are smokers. They have a few beers ... and go home because they can sit at home on their couch and have a beer and a smoke."

Perkowski said the smoking ban has affected the clientele at Ryan's. More families come in to sit and have dinner but, unlike before, diners don't stick around afterward to socialize.

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Theron Perkowski
Graduate Student and Bartender at Ryan's Bar and Grill

it," Perkowski said.

Smokers are experiencing changes not only in bars but also in some restaurants. Uptown Cafe owner Brenda Seoul said the smoking ban is unfair to her employees and to her customers.

"If you have a business, you should be able to run your business your way without government interference," Seoul said. "All except three of my employees smoke. I still have people, even the students, that are upset that they can't smoke [anymore]."

Seoul said the smoking ban creates issues of equality.

"If the situation were reversed, non-smokers wouldn't like it if they were barred from a smoking-only place," Seoul said. "You can enter at your own risk."

In addition to discriminating against smokers, Seoul said the smoking ban favors some businesses over others.

The ordinance did not ban patrons from smoking in facilities owned and used by membership associations.

Such businesses include the El Kadir Shrine Club, the Loyal Order of the Moose, the Kirksville Country Club and NEMO Fairgrounds, according to the city of Kirksville's Web site.

Despite allowances in the law, smokers are not flocking to businesses where they are allowed to light up. Kirksville Country Club assistant pro Mike Koenig said there has not been an increase in memberships since July 1.

"You've always been able to smoke on the course," Koenig said. "I don't think people are going to pick up a new sport because you can smoke."

Some businesses have transitioned smoothly to a smoke-free environment. Ken Page, owner of Two Tall's bar, said his patrons have willingly set down their cigarettes or have taken their habit outside. The biggest problem Page has seen is more litter.

"Before the smoking ban, I think I counted one night and we had about 100 people in there and maybe only two of them were smoking," Page said. "People have been really cool [about going outside] ... but I think the streets are going to get really nasty [with cigarette butts]."

Page said that unlike other bars, Two Tall's has not been affected by the smoking ban because his bar attracts a younger crowd.

"We haven't really seen a difference with Two Tall's because we are a college bar," Page said. "People who are 22 to 25 grew up with more information about not smoking rather than a person who is 40 to 60. ... I do worry about some of the bars, but what are you going to do? If you're going to ban one you have to ban them all."



Mark Hardy/Index

Uptown Cafe owner Brenda Seoul says the smoking ban creates issues of equality.

Smoking ban approved: **Votes by precinct**

Kirksville voters passed the proposed ban on smoking in bars and restaurants in April 2007 by a margin of 677 voters. Although more than **86 percent of on-campus voters** at Truman approved the ban, they accounted for only **3.7 percent of the turnout**.

Precinct	Yes	No
Southeast 1	146	143
Southeast 2	422	230
Southeast 3	245	100
Northeast 4	234	171
Northeast 5	236	160
Northeast 6	330	239
On-campus students	112	18
Absentee	95	82
Total	1820	1143

Anyone who owns or operates a smoke-free area and who allows smoking could receive a **\$100 fine** for the first violation, a **\$200 fine** for the second violation within a year and a **\$500 fine and/or 90 days of imprisonment** for the third violation within a year.

Reporting by Diane Poelker/Index
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Source: Adair County Clerk's Office

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