

Woodridge Area Chamber of Commerce
Government Affairs Committee
Proposed Smoking Ordinance Response
October 12, 2005

In Attendance:

Michael Morin	Buffalo Wild Wings
Rich Moore	Corner Clubhouse
Timothy Filips	Nonnies
Ted Bulthaup	Hollywood Boulevard
Nic Andrews	Bennigan's
Stephanie Kelsey	Max & Erma's

All Woodridge businesses that serve food were invited to attend a meeting with the Government Affairs Committee of the Woodridge Area Chamber of Commerce on October 12, 2005 to give input to the Village's proposed smoking ban. The meeting was held at the Woodridge Park District's Community Center. A copy of the letter is included in this packet.

At the close of the meeting the attendees were told that if they had additional comments they should be sent to the Chamber office for inclusion in this report. Several of the attendees had letters that they wrote for inclusion in this report. Articles upholding their concerns are also included.

Three questions were posed to the group.

1. What concerns do you have with the proposed smoke-free ordinance?
2. What positive effect would come from making your establishment smoke-free?
3. If a smoke-free ordinance were established in Woodridge, is there something that the Village could do to make it more palatable?

The following is a summary of responses given by the businesses in attendance:

What concerns do you have with the proposed smoke-free ordinance?

1. Skokie has a smoking ordinance in place and they have seen a 15% decrease in sales.
2. National statistics show that in areas where smoking ordinances have been implemented there have been 10 – 35% decreases in revenue. Restaurants operate on a 5% margin. Right now as a result of Hurricane Katrina, they are experiencing higher costs so this margin will only go down.

3. If a smoking ban is area or state-wide, then statistics show that there is no decrease in revenue, but if patrons can easily get to restaurants where smoking is still allowed, then the business experiences a loss.
4. States are market driven – generally all have been negatively affected by smoking bans.
5. Loss in revenue affects employee's income by reducing the working hours and in some cases eliminating jobs.
6. As Woodridge tries to attract new restaurants, having an isolated smoking ban would be a deterrent for owners to consider this Village.
7. People already have personal choices where to go. Restaurants have smoking and non-smoking areas.
8. Putting a smoking ban in place is an erosion of civil liberties.
9. The smoking ordinance is something that is being pushed by one person not by the people of the Village.
10. If the restaurant loses money then there will be a loss of tax revenue for the Village.
11. Woodridge should not be the first municipality in the area to adopt a non-smoking policy. There would be significant financial losses. If a ban were state-wide it might be more palatable.

What positive effect would come from making your establishment smoke-free?

1. Healthier workplace for employees
2. Nothing!

If a smoke-free ordinance were established in Woodridge, is there something that the Village could do to make it more palatable?

1. The Village would need to subsidize us.
2. As to the third question of what could make it more palatable for government to tell me what to do in my own place of business, I would point out that the compromise for what is a "palatable" idea is already in place by virtue of the fact that there are, by law, segregated areas in restaurants that allow smoking to separate the smokers from the non-smokers. That is the compromise that makes any restriction palatable. What this trustee is attempting to do is terminate a market friendly compromise that already works very well and that suits the most numbers of our patrons for his extremist personal point of view, regardless of how it affects the owner of the business whose rights should be proprietary.

That which is palatable is already in place and that fair compromise should be left alone. It works for the greatest good for the greatest number of people. (Comment #2 was sent in after the meeting.)

I'd like to give you my opinion of your proposal for a "smoke free" Woodridge. I am not a smoker, however I do own two restaurants which serve people who do smoke. Economically speaking our company like many small businesses in this community struggle to make a profit each year. We were on a roll prior to 911 and have fought our way back to growing our business with a second location. Now we are fighting the high cost of operations cause by high fuel and food cost. We work hard to maintain our base of customers who are locals.... within 2 miles of our locations. We have seen our customers go elsewhere to drink and dine because we raise prices, did not have a Golden Tee Game, or terminated their favorite bartender. People are finicky and have many choices when it comes to dining out. The new franchises have better air quality control equipment than smaller businesses like mine. Many restaurants have "non smoking areas.!" People today make conscious decisions to go where they are comfortable when dining out. When you mandate no smoking in Woodridge you are chasing the smoking customer to the next town.

In states like Florida where the entire state is smokeless it does not impact any one town...its all equal. If the State of Illinois mandates a smoke free environment to all restaurants and bars I would support the proposal. I cannot support a proposal which could economically destroy my small business by sending customers to a surrounding town. As I said I do not smoke and choose to find restaurants with non smoking areas or excellent air purification systems when I go out with my family....its my choice and every Woodridge resident has a choice already to find a restaurant which fits their needs. We serve a smoking clientele and prefer to remain in business... as is!

While I respect your efforts to express your opinion on this matter I will lobby the opposition strongly.

Most sincerely,
Rich Moore
Corner Clubhouse



6450 Route 53
Woodridge, IL 60517

In reply to: Proposed Smoking Ban

Woodridge Area Chamber of Commerce
5 Plaza Drive
Woodridge, IL 60517

Dear Woodridge Area Chamber of Commerce,

In response to your letter regarding a proposed smoking ban for establishments that serve food and beverages, speaking on behalf of myself an operator, and my entire staff, we are very disappointed and take exception to this proposal.

Personally, I am not a smoker, so my opinion is not a biased one. As a person who works extremely hard and is compensated on not only performance, but also incentive bonuses, taking money out of my pocket to support my family is very disturbing to me. Coming up on the end of our first year at Buffalo Wild Wings, we have seen our business grow steadily from day one. We all have worked hard to promote, advertise, and get involved in the community. To have all that hard work go down the drain or have to try and rebuild what we have built in the past year would be disastrous. Our guests have made a personal choice to visit our restaurant, knowing full well our policy and they have increasingly made the decision to dine with us, based on the policies we have in place. Buffalo Wild Wings is one of the fastest growing franchises today, and based on our sales increases, more and more people are frequenting our restaurant. Each guest has the right to make up their own mind, so why take that right away and put it in the hands of someone else.

Our restaurants are equipped with state of the art smoke eaters, and we have designated areas for our smoking guests. With-in the past year, we have not received one guest comment or complaint about smoking. Our guests are aware of our policies, and still have increasingly decided to dine in our establishment.

In a similar situation, another Buffalo Wild Wings in Skokie suffered a huge decrease in sales, when a smoking ban took affect in that town. There was an immediate 15% decrease in sales when the ban when into effect. Those sales can never be recouped. With loss of sales, there is loss of jobs, and in some cases loss of entire businesses. In our current restaurant, 43 percent of the total restaurant sales were generated from our designated smoking sections. 48 percent of our Dine-in sales were generated from our smoking sections. With a smoking ban,

there will be a decrease in sales, especially at our Buffalo Wild Wings here in Woodridge, primarily because our guest who has come to love our restaurant and concept, and had the choice to smoke or not, will have the option drive a little over 5 miles to Bolingbrook and choose to spend their money there. Then there is our guest who comes in just to enjoy a sporting event, karaoke, or just to socialize, who then will go less than 2 miles to The Lodge, which is in Lisle, where they will have the choice to smoke or socialize with friends who do.

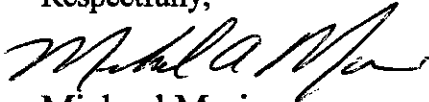
Being in the restaurant business for almost 20 years, I can assure you that trying to attract other restaurants in Woodridge, would be virtually impossible. People want the right to choose where to go to spend their hard earned money. We have staff that relies on tips, Managers who rely on bonuses and profit sharing. How does one support him or herself or a family, if any part of that 43-48% of sales decreases? Using just our own Profit and Loss Statement from the first 10 months, if we decrease our sales by just 10%, we lose 50% in profit. The cost of operating a larger restaurant is substantial. Cutting controllable costs can be done, but you can't cut back on fixed costs. So, any decrease in sales would be disastrous. This is not just a guest issue; it is also an employee issue. This is our livelihood. I look forward to receiving profit sharing checks, along with the other managers. The staff looks forward to serving our repeat guests, many of them who are smokers, and earning tips from them. We started a petition, and can tell you that not only smokers sign it, but non-smokers as well. We also have officials of the town of Woodridge, who signed the petition and are aware of the loss of revenue and tax dollars.

The above comments were a partial answer to the first question on the letter you sent. The second question about what positive effect would come from this ban. From a financial and business standpoint I cannot see one. Obviously cleaner air is a positive factor. But as stated previously, we have taken major steps by installing our air quality control systems and have designated areas for our smokers, and in a lot of cases have downsized our smoking section to cater to our non-smoking guests. Maybe, the Chamber of Commerce could answer that question. What positive effect do you see? There is a good chance guests who do smoke will be seen gathering outside in groups of 10 or 20 smoking in front or back of a restaurant, or maybe in the parking lot. The landscaping of all restaurants and public places will be affected by cigarette butts and packs tossed on sidewalks, flowerbeds, etc. Then there is the prospective guest who is driving past our restaurant, which in comparison to the high traffic flow is a small percentage anyway; a ban would make that potential drive by guest percentage even smaller by eliminating a big part of the dining guest. A person who pays up to \$7 a pack to smoke is not going to hesitate to drive a little farther to have the option to smoke and not feel discriminated against. Finally, the biggest challenge is the fact that restaurants will struggle to survive and possibly go out of business. People will lose jobs. People will quit jobs because of a drastic decrease in sales and personal income. The growth of the community will suffer.

The surrounding area where Buffalo Wild Wings is located is growing. We hope to see it continue with other retail and other restaurants opening as our neighbors. It will be very difficult to get not only restaurant owners to open here, but to get customer traffic in this area. There are so many other options for the dining consumer that are with-in a short driving distance and customers will drive the extra miles it takes to have the right to make their own choices.

Restaurants and business can survive and compete when all things are equal. With that being said, a statewide smoking ban would level the playing field for all businesses. As it is currently proposed, a ban in Woodridge would give potential guests and revenue the opportunity to go to any surrounding restaurants to dine with-in a 30-mile radius. As it stands, the nearest non-smoking town is Skokie. So, please let the restaurant guest and owners make their own decisions.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael Morin", written in a cursive style.

Michael Morin

City Manager

Buffalo Wild Wings

6450 Route 53

Woodridge, Illinois 60517

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1001 West 75th Street
Woodridge, IL 60517
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A Cinema, Bar & Eatery
(630) 427-1880

Ms. Edie Bernstein
Woodridge Area Chamber of Commerce
5 Plaza Drive
Woodridge, IL 60517

30 September 2005

Dear Edie:

I was every disappointed to receive your correspondence of the 16th and I take great exception to such a proposal. I wonder why you ask what the positive effects would be, but do not inquire if there would be negative effects? There are many.

While I am not a smoker, smoking is a legal activity in this country and as long as it is legal it should continue to be my choice as to what the policy should be in my own place of business. I fight hard for my customers and customer policies should be my choice, right or wrong. I have to pay the bank, I have make rent, I have to make payroll, and government should not make that more difficult than it already is by deciding who and how I can cater to the general public. I should be able to adopt the policy that suits my customers best so this theater can be successful; without interference from local government.

The public has a choice already, they can choose to attend my cinema based on the policy I have adopted, or they can go to another theater.

The public has a choice already, they can choose to eat my food based on the policy I have adopted or they can go to another restaurant.

Why does local government believe they should limit the choices of the public and force me to not serve a whole section of the population who have embraced what Chicago Magazine calls the best theater in Chicago and what Restaurant Business Magazine calls one of the best concepts in the country? The population has already voted on my policy with their awards and their ever-increasing attendance and I don't need government telling me what I can and can't do in a space that I pay for.

I have already adopted a policy whereby we do not allow smoking in the auditoriums, just the bar area and hallways so of the 34,000 square feet in this facility, smoking is allowed in only about 15% of the area. The public has already chosen this theater and so obviously embraced the various policies I currently have in place. Our attendance has grown dramatically to the point where we have the highest

attendance on a per screen basis of any theater in the Chicago area. We have 36,000 people, (more than the entire population of this community), who have subscribed to our weekly movie guide. If my current policy was a problem, I would not enjoy those kinds of statistics or growth we have experienced. We get about 2000 customer comment cards back each month and I have only seen one complaint about smoking. Conversely, I get many patrons who are smokers and appreciate the fact that they can run out of an auditorium to the lobby for a quick cigarette. Many of these people have not been to movies in years based on the fact that other theaters do not allow smoking. If any policy of mine needs to be changed, I'll do it based on customer surveys and should not be forced to do so under penalty of law. What's next, are you going to legislate that I only serve low cholesterol food? Will I have to stop serving Oreo pie because of the fat content? People have a choice of heart healthy food or fattening food on my menu, they can also decide for themselves to patronize my business if I give a choice of smoking and non-smoking areas. Caffeine is bad for you, will you next mandate decaf only at Starbucks? No one needs government telling business what to do in their own properties.

The only thing I can see as even remotely reasonable is a mandate to have smoking and non-smoking designated areas with a given facility. I believe that is already covered by state law and so there is no need for further action. That law is sufficient, having choices is one of America's fundamental precepts, rather than having government dictate what you can and can't do. That system works well everywhere, it is a founding principal of our nation and my theater is a great example of it. Free enterprise works fine, fast food operations don't allow any indoor smoking, casual dining has segregated areas and will respond differently if the marketplace indicates a different policy. I am vehemently opposed to any legislation which dictates what should rightly be my prerogative and will attend of October 12th.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ted Bulthaup', with a large, sweeping flourish extending to the right.

Ted Bulthaup



Woodridge Area Chamber of Commerce
5 Plaza Drive
Woodridge, IL 60517

Dear Chamber:

In response to the proposed smoking ban for bars and restaurants in Woodridge, we as a staff are opposed to this ban at this time.

As an operator of a restaurant in this community I am concerned about the effects this ban will have on my establishment. Currently in our restaurant we only have a small area designated to smoking, which is in the bar only. This area is partly secluded and does not carryover into our main dining area. In the past year we have had 16% of our sales accumulated in the bar area. Choosing to sit in smoking is the guest preference and we give the guest that choice. We have slimmed down our smoking section from what it used to be for the guest benefit. Removing the smoking section at this point would be detrimental to our business.

As you know we are surrounded by plenty of communities with more restaurants than we have. If we chose to go non-smoking at this time it will only drive traffic to those other communities. We are a smaller community than our neighbors and they will be the ones that benefit from this ban rather than Woodridge.

We want our guests to have the choice of smoking or non-smoking, and putting this ban into effect takes away our guests choices. We appreciate you asking our opinion in this matter, but at this time we see no benefit for our guests or business.

Sincerely,

Stephanie Kelsey
General Manager
Max & Erma's
2020 W. 75th St.
Woodridge, IL 60517
630-241-0609

MAX & ERMA'S RESTAURANT • BAR & GATHERING PLACE



Our Purpose: We are here to help our guests enjoy their total dining experiences so they can't wait to come back.