

News

Birmingham Restaurant Owners Mixed as Smoking Ban Anniversary Nears

Food sales are up, late-night traffic is down and cigar bars are seeing an increase in popularity.

By [Maureen McDonald](#) | [Email the author](#) | April 11, 2011



What do you think of the smoking ban? Has it improved business in Birmingham or hurt business owners? [Tell us in the comments.](#)

Two-pack-a-day smoker Michele Heeder crushed her last cigarette April 30 and loves how her lungs feel as she pours a glass of chardonnay behind the bar at [Forté](#), an upscale bar and bistro on South Old Woodward Avenue.

"Quite honestly, the smoking ban helped more than hurt us," said Heeder, Forté's general manager. Nonsmokers are more apt to sit at the bar, she said, and customers who smoke are willing to go outside.

Smokers have been banished to doorways and sidewalks since May 1, 2010 when the state enacted the Michigan Smoke Free Law — Public Act 188 — which prohibits smoking in public places and food establishments, including restaurants, bars, businesses and hotels.

Michigan was the 38th state to ban smoking in public places, following neighbors Ohio, Minnesota and Wisconsin.

Opposition to the ban still exists across the state. Fifty-five percent of the members of the Lansing-based Michigan Restaurant Association (MRA) continue to oppose the ban. In an August 2010 news release, MRA President Rob Gifford said that nearly three times as many restaurants and taverns have been hurt by the ban than helped by it.

For many in Birmingham, the ban didn't have quite the impact they feared. But the dynamics of downtown dining have changed, and many business owners are still adjusting.

'We should have gone nonsmoking 30 years ago'

For Nancy Peabody, second-generation owner of [Peabody's Restaurant](#), the smoking ban couldn't have come at a better time. She said crowds swarm Peabody's bar during happy hours now, not scared away by the smoke.

"We should have gone nonsmoking 30 years ago," she said. "The environment is cleaner and healthy all the way around."

The smokers have found new habits, Peabody said. "They know how to face adversity," she said. "Instead of smoking together, they play bridge and rummy together at the bar."

For [Dick O'Dow's](#) owner Mitch Black, the smoking ban changed the dynamic of the Irish pub, and he's not sure it was for the better. "We see a lot more traffic from women and children, but our late-night business is down," Black said.

Diners are more comfortable at the restaurant without the smoke, Black said, and they're bringing their children with them to dinner. He said the restaurant's food revenues have grown by 25 percent every month and the number of children's meals has gone up 47 percent every month. Still, alcohol sales bring in more profit than food sales, Black said, and he's seen fewer of his late-night regulars who stop by for a drink and a smoke.

Les Ward, a West Bloomfield drummer who occasionally plays at Dick O'Dow's, is elated with the smoking ordinance. "What I hated was going there and having to drive home with the windows open. In yoga the next morning, I sniffed the air and wondered who was smoking," he said. "It was in my hair, in my

skin, like the odor clung to everything. I could never wear nice clothes. I hang out a lot more often now.”

Maureen and David Cameron of Birmingham regularly take their three children Liam, Isabell and Dominique, to Dick O’Dow’s for the pub atmosphere without the smoke.

“I loved the fish and chips, but my husband thought Dick O’Dow’s was too smoky,” Maureen said. “He didn’t want to expose the kids to the smoke, especially our toddler.”

To make up for the lost funds, Black said Dick O’Dow’s has taken to hosting networking meetings and fundraisers, including the recent Media Bistro event hosted by Birmingham residents, Evans Cameron and Ellen Piligian.

Clearing the air, for better or worse

A study released in December by the state Department of Treasury, “The Early Impact of Michigan’s Smoking Ban,” found that the smoke-free law had “little to no impact” on the state’s food and beverage industry. The results were based on a year-over-year statistical comparison of statewide sales tax collections among restaurants, bars and nightclubs.

Nightclubs appeared to benefit most from the law, according to the report. During the six months prior to May 2010, nightclubs showed a 16.67 percent decrease in tax collections. Since the smoking ban took effect, sales tax income rose 0.19 percent, the report said.

Overall, Michigan food establishments are bringing in more money in sales taxes since the smoking ban was put in place, according to the report. The percentage earned in sales taxes at taverns, nightclubs, family restaurants, fast food and pizza parlors increased from 2.73 percent to 2.84 percent, it showed.

Meanwhile, despite the opposition among its members, an MRA poll released in September found statewide sales at eating and drinking places (from concession stands to restaurants to nightclubs) increased 1.67 percent from the first half of 2009 to the first half of 2010.

Those numbers, though, don’t convince Jennifer Kluge, executive vice president of the Warren-based Michigan Food and Beverage Association. Kluge called the smoking ban a “perfect storm for destabilizing independent businesses.”

“Restaurant and bar owners, already hurt by the recession and the loss of autoworkers with paychecks, now face a ban on smoking and a steeper decline in revenue,” she said. “Those who smoke might entertain at home.”

Little need for a crackdown

Though government leaders are serious about the ban, enforcement has been spotty. Oakland County hasn’t fined any restaurant, tavern or bistro owner since the ban took effect, said Tony Drautz, the county’s environmental health administrator — in part, he said, because “nearly all businesses voluntarily comply.”

“We don’t arrest individuals,” said Kathy Forzley, manager and health officer of the Oakland County Health Department. “We’ve done considerable education in restaurants. As time goes by, we’re not seeing any issues. The majority of the public wanted this act.”

Still, Drautz said his office received several complaints during the first few months of the ban — customers complaining about fellow customers, he said — but the number of problems has dropped off in recent months. His office received one complaint in February, he said, and hasn’t received any more since.

Statewide, Michigan health departments have received fewer than 800 complaints so far, according to December’s “Early Impact” report. In comparison, Ohio health officials received 36,558 complaints in the first year since that state’s smoking ban took effect in 2006.

Drautz said that when complaints are received, county health inspectors visit the facility and warn restaurant owners of the repercussions of noncompliance: potentially losing their license.

Becoming part of the norm

Despite the number of changes the smoking ban created in the industry, Black said customers have quickly grown accustomed to the law. Those who want to smoke can always visit the Got Rocks Diamond Crown Cigar Lounge, upstairs at the Big Rock Chophouse, he said. As a cigar bar, Got Rocks and the proposed Churchill’s bistro and cigar bar are among of the few exemptions under the smoking law.

Got Rocks, which opened in June 2009, seats up to 100 people for cocktails and cigars purchased on premises. To bring in and smoke a personal cigar costs \$7. Business is booming, according to Vera Day Rizer, manager of Got Rocks.

“Business has been steadily improving at the cigar bar since 2009,” Rizer said, especially since the bar is open during lunch and dinner.

“Since the prohibition on smoking, there’s a renewed interest in cigars, the joy of exhaling smoke,” said Larry Weis, CEO of Auto Com Associates in Bloomfield Hills. Weis booked Got Rocks last summer for an event.

Still, Black said, the smoking ban is not unusual for many of his patrons, especially those from out of town.

“They come from New York or Los Angeles, where smoking was banned for years. (Before), they thought us a little weird to let people smoke cigars and cigarettes (in restaurants).”