

**RICHMOND COUNTY MUNICIPAL COUNCIL**

**PUBLIC HEARING**

**NOVEMBER 4, 2002**

Location: Court House, Arichat

Warden Johnson called the Public Hearing to order at 6:30 p.m., and the Clerk took roll call of Councillors.

Warden Johnson indicated Councillor Cotton was unable to attend the Public Hearing because of a personal commitment.

Receipt of Oral or Written Submissions Regarding By-Law #55, Non-Smoking By-Law (attached as Appendix "A").

(i) Written:

- (a) Dr. W.B. Kingston Memorial Clinic
- (b) L'Ardoise Jolly Club
- (c) Strait Area Physician Recruitment Committee
- (d) Cape Breton District Health Authority
- (e) Medical Society
- (f) Isle Madame New Horizons Club
- (g) Guysborough Antigonish Strait Health Authority/Strait Richmond Committee Health Board
- (h) Canadian Restaurant and Foodservices Association
- (i) Union of Nova Scotia Municipalities (2)

The Clerk read letters of support received from the Dr. W.B. Kingston Memorial Clinic, the L'Ardoise Jolly Club, the Strait Area Physician Recruitment Committee; the Cape Breton District Health Authority; the Medical Society; and the Isle Madame New Horizons Club.

The Clerk read a letter from the Canadian Restaurant and Foodservices Association, indicating concerns with the proposed By-Law because it would ban smoking in bars and restaurants and noted they had originally requested an opportunity to appear before Council, but when Mr. Erjavec was notified of the Council and Public Hearing dates, he indicated this was not a good time and would contact us again if he wished to appear before Council.

The Clerk also read two letters from the President of the U.N.S.M.; one indicating that the UNSM Executive had recently discussed the need for a Province-wide legislated ban on smoking in indoor public places and the second being a letter that he had sent to the Editor of the Chronicle Herald.

(ii) Oral

Warden Johnson opened the floor for oral and written submissions.

Councillor Sampson indicated he wished to make representation as Chairman of the Richmond Villa Board of Directors, noting that concern had been expressed at a Board Meeting held earlier in the evening, as a result of an article in today's newspaper. He noted that a designation area was established at the nursing home, which is considered to be their home, where only residents are permitted to smoke at. He noted allowance was made in the building plan for the new nursing home to allow residents to smoke in a designated area.

In response to a question from Councillor Sampson, the Clerk indicated that the proposed By-Law would ban smoking at the Richmond Villa.

Councillor Sampson requested that the Non-Smoking By-Law be amended to allow for the designation of a confined and ventilated area in nursing homes whereby residents would be permitted to smoke in, because the nursing home is considered to be their home.

Councillor Boudreau indicated St. Anne's Community & Nursing Care Centre also had a designated smoking area for residents, and he noted he would request them to submit a letter immediately requesting that allowance be made in the By-Law to permit designated smoking areas for nursing home residents, because the By-Law will have an impact on these nursing homes.

The Clerk indicated that a motion will have to be given at the November 12, 2002 Council Meeting to amend the By-Law.

Deputy Warden McNamara questioned why Section 5 (7) did not permit smoking in any public transportation facilities, including shelters, and public transportation vehicles with the exception of taxis, noting she felt smoking should also be banned in taxis, because of the effect this would have on other passengers traveling in taxi cabs.

The Clerk indicated he would request the Solicitor to provide an opinion on this matter. The Clerk noted that tonight's Public Hearing was not to debate the By-Law, but rather to receive reaction, oral or written presentations from interested stakeholders.

Mr. Dana Mason, Health Educator, Guysborough-Antigonish Health Authority Board addressed Council in support of the Non-Smoking By-Law.

Mr. Mason noted he had heard the Canadian Restaurant and Foodservices Association had issued a letter and noted he was interested in the arguments and positions that Smokers Rights Organizations might put forward.

Mr. Mason briefed Council on topics that at most times, people will say:

- (1) why not let businesses decide;
- (2) it's a personal choice and not a public health concern;
- (3) put up signs
- (4) legal product
- (5) ventilation
- (6) money

Mr. Mason stressed that municipal government need to set the ground breaking legislation to help families in the area and noted that it will go a long way if Municipal Council can receive 100% support for the adoption of a Non-Smoking By-Law. He thanked Municipal Council for the opportunity to speak and commended Municipal Council for their commitment in implementing a Non-Smoking By-Law for the county.

Moved by Councillor Boudreau, seconded by Councillor Goyetche that the Public Hearing be adjourned. Motion carried.

There being no further business, Warden Johnson adjourned the Public Hearing at 6:50 p.m.