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THE REGIONAL MUNICIPALITY OF NIAGARA

PUBLIC HEALTH SERVICES COMMITTEE

REPORT 7-2004

Minutes of a meeting of the Public Health Services Committee held in Committee Room 4, Regional Municipal Building, Thorold, Ontario, on April 19, 2004, commencing at 12:30 p.m.

ATTENDANCE

Committee: Councillors Timms, Chair; Partington, Regional Chair; Almas; Baty; Casselman; Davidson; Harry; Redekop; Trombetta.

Staff: Mr. Trojan, C.A.O.; Dr. Sider, Associate Medical Officer of Health; Ms. Reilly, Legislative Assistant.

Staff

Part-time: Mr. Banting, Director, Legal Services; Mr. Christensen, Director, Health Protection & Promotion; Mr. Cunnane, Director, Public Safety; Ms. Gilroy, Acting Regional Clerk; Mr. Jones, Director, Administrative Services; Dr. Klooz, Associate Commissioner of Health; Mr. Lorenzo, Supervisor, Tobacco Program; Mr. McQueen, Project Manager; Ms. Rix, Manager, Tobacco Program; Ms. St. John, Director, Clinical Services; Ms. Roach, Manager, Infant Education and Parent Teaching; Ms. Wodchis, Director, Chronic Disease Prevention; Mr. Young, Manager, Health Protection & Promotion.

Other: Councillor Smeaton.

CLOSED SESSION

63. Moved by Councillor Harry
Seconded by Regional Chair Partington

That this Committee do now meet in Closed Session for purposes of receiving information of a confidential nature relating to a legal matter.

Carried.

64. Legal Matter

Mr. Banting, Director, Legal Services, provided an oral report on a legal matter relating to the Smoking By-law.

65. Moved by Councillor Redekop
Seconded by Councillor Harry

That this Committee do now rise without report.

Carried.

PRESENTATIONS

66. Councillor Ted Salci, Mayor of Niagara Falls-Impact of Smoking By-law on Niagara Businesses

Councillor Ted Salci, Mayor of Niagara Falls, attended to apprise Committee of the impact of the Smoking By-law on businesses in Niagara, commenting that the by-law is unfair. He advised that the by-law has dramatically hurt businesses in Niagara Falls and that the Region should be aware of establishments closing and residents losing their jobs. Councillor Salci asked that the by-law be amended in some form to allow bars and restaurants the ability to choose whether or not it wants to go smoke-free.

67. Tracy Stamp, Restaurants and Bars

Tracy Stamp, restaurant owner, attended on behalf of 40 bar and restaurant owners, to request Committee to revoke (even temporarily) the smoking by-law. She commented that since the by-law came into effect in May 2003, 18 Niagara Falls bars and restaurants have closed and another 25 establishments have combined losses in the amount of \$900,000. Ms. Stamp commented that restaurants are unable to compete with businesses across the border and the three restaurants in the casino which allow smoking. Local Legions are also difficult to compete with as they are exempt from the by-law falling under the definition of private clubs.

68. Carol Newman, Bingo Halls

Carol Newman attended on behalf of the Bingo Halls of the Niagara Region, to request an amendment to the current Non-smoking By-law as it relates to the ventilation rate required for Designated Smoking Rooms (DSRs). Ms. Newman provided some historical background on the public meetings held and Council's agreement that bingo halls should be allowed DSRs. Council was to draft a by-law to include stakeholders in a consultation process as to the specific requirements of the DSRs. Ms. Newman commented that this did not happen and they are now faced with

an unrealistic rate of ventilation to comply with. She commented that Bingo Halls have been negatively impacted by the by-law, with two closing because they couldn't afford the ventilation systems. This, she commented, will cause more bingo halls to close and more jobs will be lost and more charities will be without revenues. Ms. Newman urged the Region to lower the standards for ventilation requirements in bingo halls.

69. Jake Zacharakes, Bars and Restaurants

Jake Zacharakes attended on behalf of restaurants and bars and reiterated the negative impact of the smoking by-law on their businesses and livelihoods, highlighting the loss of jobs and business closings. (Refer to staff directions on page PHSC 40.)

CORRESPONDENCE

70. Moved by Councillor Redekop
Seconded by Councillor Trombetta

That the following communications be received:

- | | |
|--------------|---|
| PHSC 6-2004 | Carol Newman, Delta Monte Carlo Bingo (April 5, 2004) respecting Ventilation Rates for Designated Smoking Rooms (DSRs) |
| PHSC 7-2004 | Presentations/information – Tracy Stamp and Jim Zacharakes |
| PHSC 8-2004 | Janet Beckett, City of Port Colborne re: Their Council's resolution (August 11, 2003) respecting the Smoking By-law. |
| PHSC 9-2004 | Penny Sutcliffe, Medical Officer of Health (April 16, 2004) to the Honourable George Smitherman, Minister of Health and Long-Term Care, regarding Support for Smoking Cessation Within Long-Term Care Facilities and Rest and Retirement Homes. |
| PHSC 10-2004 | Andy Papdopoulos, Executive Director, alPHa, regarding Minister Smitherman's comments that he will have Ontario smoke-free ahead of the three year promise (100% smoke-free public and workplaces). |

Carried.

PUBLIC HEALTH DEPARTMENT

71. Procedure to Amend By-law No. 22-2002

Moved by Regional Chair Partington
Seconded by Councillor Baty

That Report PHD 27-2004, April 1, 2004, respecting Procedure to Amend By-law No. 22-2002, be received for information.

Carried.

72. City of Niagara Falls Request to Rescind By-law 22-2002,
A By-law to Regulate Smoking in Public Places and Workplaces
Committee reviewed the following recommendations as contained in Report PHD 18-2004:

That Report PHD 18-2004, April 19, 2004, respecting City of Niagara Falls Request to Rescind By-law 22-2002, A By-law to Regulate Smoking in Public Places and Workplaces, be received.

That By-law 22-2002 not be rescinded; and

That Council encourage the provincial government to enact province-wide smoke-free legislation with no exceptions as soon as possible.

Moved by Regional Chair Partington
Seconded by Councillor Baty

That Report PHD 18-2004, April 19, 2004, respecting City of Niagara Falls Request to Rescind By-law 22-2002, A By-law to Regulate Smoking in Public Places and Workplaces, be received and approved **as amended**, with the removal of the words "**with no exceptions**", and to read as follows.

That By-law 22-2002 not be rescinded; and

That Council encourage the provincial government to enact province-wide smoke-free legislation as soon as possible.

Moved by Councillor Casselman
Seconded by Councillor Redekop

That the recommendations within Report PHD 18-2004 be divided and dealt with separately.

Carried.

Upon a vote being taken, Committee approved the recommendation "That By-law 22-2002 not be rescinded".

Upon a vote being taken, Committee approved the amended recommendation "That Council encourage the provincial government to enact province-wide smoke-free legislation as soon as possible".

Upon a vote being taken, the original motion, as amended, was carried.

(Refer to staff direction on page PHSC 40.)

73. Impact of Private Club Exemptions with Respect to the Smoking By-law

Moved by Councillor Baty
Seconded by Councillor Almas

That Report PHD 16-2004, April 19, 2004, respecting Impact of Private Club Exemptions with Respect to the Smoking By-law be deferred for further information.

Carried.

74. Ventilation Rates for Bingo Halls

Moved by Councillor Harry
Seconded by Councillor Davidson

That Report PHD 28-2004, April 19, 2004, respecting Ventilation Rates for Bingo Halls, be received; and

That ventilation rates for Bingo Halls not be amended.

Carried.

(Refer to staff direction on page PHSC 40.)

75. Dental Health Month – April 2004

Moved by Councillor Casselman
Seconded by Councillor Almas

That Report PHD 29-2004, April 19, 2004, respecting Dental Health Month – April 2004, be received for information.

Carried.

76. Dental Indices Survey – 2003-2004 Update

Moved by Councillor Harry
Seconded by Councillor Trombetta

That Report PHD 30-2004, April 19, 2004, respecting Dental Indices Survey – 2003-2004 Update, be received for information.

Carried.

77. Divisional Name Change – Emergency Services Division

Moved by Councillor Casselman
Seconded by Councillor Almas

That Report PHD 31-2004, April 19, 2004, respecting Divisional Name Change – Emergency Services Division, be received.

That approval be given to change the name of the Public Safety Division to the Emergency Services Division, to better reflect the scope of services provided.

Carried.

78. Solution to Address Issues Arising from the 2004 Budget Process

Moved by Councillor Harry
Seconded by Councillor Baty

That Report PHD 32-2004, April 19, 2004 (CSD 50-2004, April 14, 2004) respecting Solution to Address Issues Arising from the 2004 Budget Process be received.

That the \$47,628 (net) amount that has been removed from Public Health's budget (Dental Programs) be reinstated;

That the \$46,000 (net) amount that has been removed from the Public Health's budget (Tobacco Enforcement) be reinstated;

That the \$45,000 (net) amount that has been removed from Public Health's budget (By-law Enforcement Officers) be reinstated;

That the \$210,000 regional dollars that initially were to be used to fund the SARS positions be redirected to resolve these issues now that SARS positions are funded by the MOHLTC at 100%.

Carried.

79. Infant Education and Parent Teaching Program (IEPT)
2003/04 Service Contract Amendment 4 and
2004/05 Annual Fiscal Budget

Moved by Councillor Casselman
Seconded by Councillor Baty

That Report PHD 33-2004, April 19, 2004, respecting Infant Education and Parent Teaching Program (IEPT) 2003/04 Service Contract Amendment 4 and 2004/05 Annual Fiscal Budget, be received.

That approval be granted to accept the Ministry of Children and Youth Services 2004/04 Service Contract Amendment 4 and to authorize the Regional Chair and Clerk to process the said contract; and

That approval be granted to accept the 2004/05 Annual Fiscal Budget for the Infant Education and Parent Teaching (IEPT) Program, and to authorize the Regional Chair and Clerk to process the said Budget.

Carried.

80. Mosquito Identification and Viral Testing

Moved by Regional Chair Partington
Seconded by Councillor Harry

That Report PHD 34-2004, April 19, 2004, respecting Mosquito Identification and Viral Testing, be received.

That the services of Brock University be retained by the Regional Niagara Public Health Department (RNPHD) for mosquito identification and viral testing for 2004.

Carried.

ACCOUNTS

81. Moved by Councillor Harry
Seconded by Councillor Almas

That Accounts Payable Expense Summary for the Period Ending March 31, 2004 in the amount of \$1,454,041.18 be approved.

Carried.

OTHER BUSINESS

82. Pedometer Program
Councillor Casselman requested staff provide a report on the demographics of incidences of obesity and overweight to morbidity and mortality rates and tie this information into the Pedometer Program (10,000 steps a day), promoted by Niagara Heart Health.
83. Provincial Quit Smoking Contest
Dr. Sider, Associate Medical Officer of Health, advised that two Niagara residents were big winners in the Provincial Quit Smoking Contest. A Fort Erie resident won the grand prize Mini Cooper and a Welland resident won the "Home Theater in a Box".
84. In-Camera Item
The oral report from Bruce Banting, Director, Legal Services, regarding issues related to the Smoking By-law was referred to the next Public Health Services Committee meeting.

STAFF DIRECTION

That staff be directed to:

- (i) Provide Committee with a copy of the original letter from bingo hall operators regarding specific requests for provisions related to bingo halls. (Minute items 67-69.)
- (ii) Contact Toronto to inquire as to the proposed amendments to their smoking by-law and provide information regarding Toronto's efforts to enforce the by-law. (Minute items 67-69.)
- (iii) Try and determine via sources such as NETCorp. if tourist destination decisions are affected by smoking bylaws in their possible destinations of choices.
- (iv) Provide information on other municipalities' standards for ventilation requirements. (Minute item 74.)
- (v) Provide literature regarding health risks related to graduations of ventilation rates if available. (Minute item 74.)

ADJOURNMENT

Committee adjourned at 3:00 p.m. to meet again on Monday, April 26, 2004, at 12:30 p.m. in Committee Room 4, Regional Headquarters.

D. Bruce Timms
Chair

Gail Reilly
Legislative Assistant

Pam Gilroy
Acting Regional Clerk