

Town of Drumheller

SPECIAL COUNCIL MEETING
MINUTES

September 16, 2004 5:00 PM Council Chambers, Town Hall
703 - 2nd Ave. West, Drumheller, Alberta

PRESENT:

MAYOR:

Paul Ainscough

COUNCIL:

Karen Bertamini
Don Cunningham
Larry Davidson
Brent Pedersen
John Sparling
Harry Stables

CHIEF ADMINISTRATIVE OFFICER/ENGINEER:

Ray Romanetz

DIRECTOR OF CORPORATE SERVICES:

Michael Minchin

RECORDING SECRETARY:

Linda Handy

ABSENT:

DIRECTOR OF COMMUNITY SERVICES:

Diana Meller

DIRECTOR OF INFRASTRUCTURE SERVICES:

Wes Yeoman

1.0 CALL TO ORDER AT 5:00 PM

2.0 CHIEF ADMINISTRATIVE OFFICER

2.1 Bylaw 13.04 being the Smoking Bylaw – First Reading

R. Romanetz presented Bylaw 13.04 being the Smoking Bylaw. He stated that Council at their Committee meeting of September 13th reviewed amendments as proposed by the AD HOC Smoking Committee. At that time, the Town's Solicitor recommended changes to the group. He further explained that the proposed amendments do not change the substance of the bylaw. He stated that Council must give first reading to a

bylaw by September 18th. He recommended that Council proceed to first reading.

Mayor and Council gave the public an opportunity to speak.

Brent Powell presented the following concerns for Council's consideration: 1) who is responsible for the removal of customers from a drinking establishment if they do not comply with the bylaw; 2) people will test the bylaw and who pays for the cost of enforcing; 3) 18 years of age legal adult – right to decide to attend a drinking establishment that allows smoking and a business should have the right to permit smoking in their establishment; 4) drinking establishments will lose customer base if not allowed to smoke; the majority of customers do smoke and they will

drive to smaller communities to drink – creating another problem of drinking and driving; 5) Council should draw a line on what people can ask for that affects the rights of individuals.

R. Romanetz stated that the Town's Solicitor was present this evening to speak to these concerns. C. Kloot stated that Council must give first reading to a Smoking Bylaw. He explained that once the petition is declared sufficient, Council must follow the requirements under the Municipal Government Act. In accordance with the MGA, Council is allowed to make only non-substantive amendments to the attached bylaw. Once first reading is given, Council agreed that the wording of a question be put to the voters to make the decision for themselves regarding the Smoking Bylaw. He further explained that Council did make non substantive changes to the bylaw because in its present form it was not workable or consistent. The MGA does not allow amendments that would detract from the substance of the bylaw – if Council excluded bars, restaurants or other hospitality trades, this would definitely detract from the substance of the bylaw. He noted one inconsistency in the bylaw which would be difficult to enforcement - making people smoke 6 m from a doorway – this has been changed to 3 m.

B. Powell asked what protection does a business owner have against individuals who do not butt out. C. Kloot explained that bylaws are complaint driven and if there are infractions reported, the onus is on the proprietor or employer to ensure control in your premises and if not, the owner of a business could be charged. He further explained that reasonable steps must be in place by the business owner to ensure that you are in compliance or you will be found to be contravening the bylaw. He further noted that the municipality pays for the enforcement of the Smoking Bylaw.

MO2004.176 Davidson, Cunningham for first reading to Bylaw 13.04

Discussion on Motion:

Councillor Davidson stated that he is disappointed that Council was not afforded the opportunity to deal with this matter instead of having a bylaw presented by the petitioners. He stated that if the bylaw passes as is, three years must pass before Council can make substantive changes to it.

Vote on Motion: Cd.

3.0 ADJOURNMENT 5:10 pm

There being no further business, the Mayor declared the meeting adjourned at 5:10 PM.

MAYOR

CHIEF ADMINISTRATIVE OFFICER