

Town of Drumheller COUNCIL MEETING MINUTES

June 25, 2018 at 4:30 PM

Council Chamber, Town Hall

224 Centre Street, Drumheller, AB, T0J 0Y4



PRESENT:

MAYOR:

Heather Colberg

COUNCIL:

Kristyne DeMott

Jay Garbutt

Fred Makowecki

Lisa Hansen-Zacharuk

Tom Zariski

CHIEF ADMINISTRATIVE OFFICER/ENGINEER:

Darryl Drohomerski

DIRECTOR OF CORPORATE SERVICES:

Barb Miller

DIRECTOR OF INFRASTRUCTURE SERVICES:

Armia Mikhaiel

ACTING DIRECTOR OF COMMUNITY SERVICES:

Darren Goldthorpe

RECORDING SECRETARY:

Linda Handy

Absent:

DIRECTOR OF PROTECTIVE SERVICES:

Greg Peters

COUNCILLOR Tony Lacher

1.0 CALL TO ORDER

Mayor Heather Colberg called the meeting to order at 4:30 PM.

2.0 MAYOR'S OPENING REMARK

Mayor Heather Colberg announced the events to be held on Canada Day which includes a variety of activities, cake cutting, vendors and entertainment. She asked if anyone was interested in volunteering for parade route patrol to contact the Chamber Office. She congratulated the organizers of the Gran Fondo Badlands held on June 23rd for a successful event despite the weather.

3.0 PUBLIC HEARING

Mayor Heather Colberg called the Public Hearing to order at 4:31 PM.

Mayor Colberg advised that the purpose of the Public Hearing is to consider Bylaw 06.18 being a bylaw to acknowledge the new federal legislation which will legalize cannabis by inserting new definitions into the Land Use bylaw 10.08

Devin Diano, Planner – Palliser Regional Municipal Services presented the following:
Background Information – **Federal Legislation** is Bill C-45, the proposed Cannabis Act as well as, Bill C-46, an act to amend the Criminal Code. The Federal government regulates cannabis production and cultivation, distribution, advertising, possession limits, age limits (18), medical cannabis, trafficking and impaired driving. The official legalization date is October 27, 2018. **Provincial Legislation** is Bill 26, an amendment to the Alberta Gaming and Liquor Act which regulates wholesale and retail distribution, cannabis retail licensing, minimum retail separation distances (schools/hospitals), workplace safety, retail building security, discretion to set more restrictive limits (i.e. minimum age / possession amounts). Bill 26 is awaiting Royal Assent. **Municipal Regulations** impacts Land Use Bylaw 10.08, Business License Bylaw 04.15, Safety Codes and the Community Standards Bylaw 16.10. Municipal regulatory responsibilities include zoning and location, development, regular business licensing, building codes, nuisances, smoking restrictions and enforcement. The purpose of the proposed amendment is to prepare for the legalization of cannabis by regulating the location of cannabis retail stores in Drumheller and to include definitions for cannabis and uses; choose which land use districts will allow cannabis stores and add general regulations for cannabis stores.

He further explained that the current definition of Retail Store in the Town's Land Use Bylaw proposes to include the words "*This definition does not include Cannabis Retail Stores*". Definitions to be added include:

Cannabis means cannabis plant, fresh cannabis, dried cannabis, cannabis oil and cannabis plant seeds and any other substance defined as cannabis in the Cannabis Act (Canada) and its regulations, as amended from time to time and includes edible products that contain cannabis.

Cannabis Accessory means cannabis accessory as defined in the Cannabis Act (Canada) and its regulations, as amended from time to time.

Cannabis Café means a development where the primary purpose of the facility is the sale of Cannabis to the public, for consumption within the premises and which is authorized by provincial and federal legislation.

Cannabis Retail Sales means a retail store licensed by the Province of Alberta where **Cannabis and Cannabis Accessories** are sold to individuals who attend the premises.

Cannabis Retail Sales and Cannabis Cafes will be added as discretionary uses in: Central Commercial District (C-B); Downtown Transition District (DT) and Highway Commercial District (Hwy-C).

He explained that although the Provincial Legislation requires a minimum of 100 metre separation distance from schools, school reserve or municipal and school reserve land, and hospitals, local governments have the ability to expand the separation distances and add additional regulations. He further explained that there is no required separation

distance from daycare centres in the provincial legislation unless the daycare offers a formal educational program. However, separation from daycare may be included under General Land Use Regulations in the LUB at the discretion of Town Council.

He explained that the distances proposed for Cannabis Retail Stores under Part VII, General Land Use Regulations – Section 89 include:

- 300 m separation from any other cannabis retail store (not a provincial requirement);
- 150 m separation from any building or parcel of land containing a school (50 m increase of the provincial requirement);
- 150 m separation from any parcel of land designated as school reserve or municipal and school reserve (50 m increase of the provincial requirement); and
- 100 m separation from hospitals (meets the provincial minimum requirement).

He concluded by stating that “in order to regulate the location of cannabis stores in Drumheller, Palliser Regional Municipal Services recommends that Town Council approve the proposed Bylaw 06.18 to amend Land Use Bylaw 10.08.

Mayor Colberg asked the Secretary of the Public Hearing if any written submissions were received by the Town. Secretary L. Handy stated that no correspondence was received.

Mayor Colberg asked for those who wished to speak in favour of the proposal. There were no speakers in attendance.

Mayor Colberg asked for those who wished to speak in opposition.

JD Bixby stated that he has been involved in other medical cannabis dispensaries from Vancouver to Ontario and has seen bad operations as well as what the industry should look like. He stated that he is concerned with a 150 buffer zone as it would prohibit any cannabis retail in the downtown core. He explained that there may be other land uses more appropriate for cannabis retail such as near the Vet Clinic however he has also been told that the RCMP has said that it would be difficult to monitor stores in the outskirts of the downtown core. He explained that he has been working with a local real estate agent to find a location that adheres to the AGLC rules and regulations. He asked Council to rethink the 150 m buffer zone and allow the 100 m zone.

Pat Parsons explained that adding 50 m to the 100 m required distance eliminates most of the retail opportunities in the downtown core. He advised that he is a medical cannabis patient and participates in events such as global marches. He further advised that from his research into cannabis use, it is safer than liquor consumption. He stated that by the Town imposing a further 50 m distance than the requirements under AGLC it is perceived as the Town stereotyping a negative message towards cannabis use. He concluded by stating that Drumheller has the chance to do this right and to have more than one dispensary.

Mayor Colberg asked if there were any questions from Council.

Councillor J. Garbutt stated that he is open to hearing rationale on why the Town wants a greater distance than required under the AGLC.

P. Parsons stated that the dangers of alcohol and tobaccos use far exceed that of cannabis use; and further there is not one reported case of a death from cannabis use.

JD Bixby stated that he intends to adhere to the AGLC regulations as posted on the website. He stated that he needs the Town's permission to proceed and would like to have the community on board. He requested that the buffer zone be reconsidered. He stated that his company name would be Badland Bud Inc and he proposes a massive Bud Fest in 2019; he would like to see this as a growing step forward in the future.

F. Makowecki asked the building requirements for cannabis retail, such as appearance, signage, security and hours.

JD Bixby explained that AGLC requirements are in place for the protection of employees and break-ins including background checks, municipal approval, ID requirements, security, a secure storage area, an alarm and video surveillance system, etc. He explained that for his business one would see only the reception area, and a security guard will be posted at the door to inspect ID before entering into the secondary room. He intends to operate similar to liquor retail hours (10:00 AM to 2:00 AM) with a 24 hour behind glass security (similar to 24 hour gas station retail). He explained that unlike liquor retail, there will be no sampling of cannabis product and employees must be certified (such as ProServe). He further explained that he intends to operate from the old Gangster building and he will be installing steel doors. He concluded by stating that he intends to operate his business similar to a pharmacy and would like people to end their stigma around cannabis.

Council questions to D. Diano and J. Hill (Palliser):

Councillor J. Garbutt asked Palliser to confirm if there is a planning function that requires a 300 m between dispensaries (and not currently enforced in this community for liquor stores). D. Diano stated this is not an AGLC requirement. Councillor J. Garbutt further asked from a planning perspective if there is a benefit (safety, etc.) to having a 50 m increase from the 100 m buffer as required by the Province. D. Diano stated no. Councillor J. Garbutt asked the requirements for Hwy-C as there is no provision in the LUB for those outlying communities, Rosedale or East Coulee, who may wish to have cannabis retail in their community. D. Diano stated those areas are zoned Local Commercial and it would be at the Town Council's discretion for a change. He further asked D. Diano to clarify the definition of Provincial Health Centres. D. Diano stated that Provincial Health Centres is the term in the AGLC however in the Hospital Act it is defined as any facility providing a medical service which would include a clinic. Councillor J. Garbutt stated that a chiropractic office is licensed by the province as a medical facility. He further asked if Palliser has seen any communities expanding their definition beyond hospital. D. Diano stated he is not aware of any expansion of the definition of hospital.

Councillor L. Hansen-Zacharuk asked what would happen if the Town gave approval for a cannabis retail store and then an educational facility relocated within close proximity. D. Diano explained that the town would have to have a discussion with AGLC and this decision would then be at the discretion of MPC. Councillor J. Garbutt asked if the definition of school includes post secondary? D. Diano read the Provincial definition of school as follows: *"means a structured learning environment to which an education program is offered to a student by a board, an operator of a private school, an early childhood services program private operator, a parent giving a home education or the Minister"*. Councillor L. Hansen-Zacharuk asked if medical dispensaries fall into the same category as retail stores? D. Diano stated that medical dispensaries fall under Federal regulations and would supersede municipal bylaws. Councillor L. Hansen-Zacharuk stated that the cannabis legislation will allow four plants per household for residential use and asked how the Town will deal with this? D. Diano stated that from a land use perspective he was not sure how to answer. Councillor L. Hansen-Zacharuk explained that the grower can supply to an outside source and if defined as retail where does it fall under this umbrella? JD Bixby explained that from his understanding, an individual would be required to get a license for growing plants from Health Canada as well as the required licensing for being a designated grower for one other person.

Councillor T. Zariski asked if dental clinics fall under the medical facility definition? D. Diano stated that in his personal opinion, dental clinics would not fall under the definition of medical facility. He explained that some definitions are difficult to interpret.

Councillor T. Zariski referred to the map and asked why there are zones around the BCF and Aquaplex? C. Woods explained that the map identifies these areas as the Chamber expressed concerns that cannabis retail should be included in the distance requirements including playgrounds.

Councillor L. Hansen-Zacharuk asked if the Town has any land designated as reserve land requiring the distance buffer. D. Diano stated that he could not find any reserve land that would have an effect.

Councillor K. DeMott asked if the school definition falls under the Provincial legislation. D. Diano stated yes.

Mayor Colberg closed the public hearing at 5:12 PM. She advised that 2nd reading of Bylaw 06.18 would be added to the agenda under 10.1.

4.0 ADOPTION OF AGENDA

10.1 Second Reading of Bylaw 06.18

MO2018.110 Garbutt, DeMott moved to adopt the agenda as amended. Carried unanimously.

5.0 MINUTES

5.1. ADOPTION OF REGULAR COUNCIL MEETING MINUTES

5.1.1 Regular Council Meeting Minutes of June 11, 2018

MO2018.111 Hansen-Zacharuk, Makowecki moved to adopt the Regular Council Meeting Minutes of June 11, 2018 as presented. Carried unanimously.

5.2. MINUTES OF MEETING PRESENTED FOR INFORMATION

5.2.1 Municipal Planning Commission Meeting Minutes of April 27, 2018

5.3. BUSINESS ARISING FROM THE MINUTES

6.0 DELEGATIONS

7.0 COMMITTEE OF THE WHOLE RECOMMENDATIONS

8.0 REQUEST FOR DECISION REPORTS

8.1 CAO

8.1.1 RFD – Hiring of Seasonal Downtown Events Coordinator Position

D. Drohomerski advised that as part of the Downtown Revitalization project, the Economic Development Committee has recommended that an Events Coordinator be hired to plan and coordinate summer activities in the downtown area. The schedule for this position would be from Wednesday to Sunday during July, August and the first week of September.

MO2018.112 Garbutt, Hansen-Zacharuk moved that Council approve the hiring of a Seasonal Events Coordinator for the summer of 2018 in the amount of up to \$10,000 which includes salary and programming funding.

Questions from Council:

Councillor T. Zariski asked if the focus would be solely in the downtown area or if the Events Coordinator would plan events in the outlying areas. Councillor J. Garbutt stated that as the downtown business community is committed towards adjusting their hours and are on side with the downtown plaza, it is important to acknowledge their support at this time with the focus being in the downtown core. Councillor F. Makowecki stated that he foresees cooperation with other valley events in the future. D. Drohomerski explained that the downtown plaza concept is a test pilot this summer over a two month timeframe, and hopefully there is an opportunity to apply under the same funding next year for an Events Coordinator, and as Councillor F. Makowecki stated, it is not the end of the an evaluation period; the goal may be to demonstrate to other community groups that there is an opportunity to partner. He further explained that moving in of structures for the downtown plaza will commence the week of July 6th.

Vote on Motion: Carried unanimously.

8.1.2 Strategic Business Plan Update

D. Drohomerski provided an update as follows:

- **Economic Strategy** (recommendations from Task Force) – goal is to review and come back in the fall during budget discussions; some are bylaw related and some are budget related and this item will remain on the list of strategic priorities well into the future; work priorities / timelines will be presented to Council in October

- **Flood Mitigation** - signed agreement in place for the transfer of the dyke ownership; engaged Stantec to do preliminary design; there may be opportunity through federal government (as heard at the FCM) for funding of larger flood mitigation projects with buy-in at \$20M with a deadline for an application submission of July 31st (the Town intends to submit an application for the unapproved projects submitted for the last five years); we are currently working on the approved projects (Newcastle, Midland, Central Drumheller) construction starting this winter because the work is adjacent to the river; conceptual design and public consultation will be held in September; tendering in October and starting construction December with completion May or June 2019; unfunded projects review with Council on July 3rd; advocacy required for buyout program and we may need to discuss with the Minister (dollars are sourced but not allocated – a meeting to be held on July 5th in Red Deer; expectations are for a July confirmation on buyouts as some residents are concerned about their property as their lives are put on hold;

Communication Strategy – identified that better communications are needed both externally and internally; no strategy / framework drafted yet; this has been assigned to J. Fielding / D. Drohomerski with a report due in September.

Employee Housing – assigned to A. Mikhael / D. Drohomerski; Councillor J. Garbutt stated that it has been identified as a non issue in the community; Councillor F. Makowecki stated that although a shortage of workers, it is not tied to a housing problem however the Town still needs to monitor options for film crews, etc. Councillor T. Zariski recommended to conduct a survey of workers who come to Town and where they stayed this past summer (possibly administered through the RTM). Agreed to remove as a high priority.

Cannabis Legislation / Land Use Bylaw - changes in the Federal and Provincial requirements; Bylaws will be adopted in advance of October 17th roll out date;

Civic Solar Project - met with ATCO and they are trying to branch out into solar and doing preliminary design of some facilities; research the costs to install and operate and if there are any availability of grants; is it estimated that one small project will cost \$80,000; to be brought back in fall as part of budget discussion for 2019;

Community Assistance Policy – policy passed and feedback received with agreement that any asks over \$5,000 to be brought to Council for review and approval; Councillor J. Garbutt requested that all asks (those approved and denied through Administration) be included in the quarterly report.

Poverty Reduction Strategy - tied to the Community Needs Assessment; possibly a grant for homelessness that would tie into this; a report will be prepared for Council in the fall and budget discussions in late October; possibly structuring an Adhoc Committee to strategize;

Parking Pay and Play – G. Peters had reviewed possible sites and pay options with two scenarios (kiosk format – inputting license plate and pay by credit card and get a tag for vehicle or the gate option); either option the infrastructure is expensive at an estimated cost of \$40,000-\$60,000 per site; Councillor F. Makowecki recommended implementing a system on a donations (secure pipe structure) basis for purposes to maintain the site; agreed public awareness campaign and voluntary donation to start with.

Employee Incentive Program – to be brought back in September; Councillor F. Makowecki asked for this to move forward sooner; D. Drohomerski stated that he has been impressed with staff on their ideas on how to move P/W to new building;

Recreation Opportunities – options for a toboggan hill and expansion of trails have been discussed with innovative ideas on both initiatives;

Downtown Plan for Plaza – discussion has occurred on the widening of sidewalks with the Town's transportation consultants; challenges with the road construction and look at cost estimate for budget discussions; determine the permanent structures including a washroom (Halifax example cited) with an estimated cost of \$40,000 per unit;

Alternate Power Generator Feasibility Study is tied into Solar Project – ATCO said that the Town cannot do a full solar panel operation on their facilities to offset the costs of utilities; the Town will still need electricity.

Post Secondary (D. Goldthorpe and A. Harrison)- not on radar yet - the Economic Task Force has identified some recommendations.

Recycling Collection Feasibility – look at the Economic Task Force's recommendations (blue box /composting); report to Council this fall for budget consideration.

Recreation Master Plan – purpose is to replace the outdated plan; to be looked at later this fall before Council's budget deliberations; will include Newcastle Beach Area and all parks, trails, etc. throughout the valley.

Transportation Projects: - concrete island at 2nd Avenue West to be removed and "no left turn" signs to be posted during busy times; this change will be looked at to determine the success or failure of that decision; Alberta Transportation has confirmed that the turning lane at the Liquor Store into the businesses will not be removed however they will look at improving the crosswalk; Transportation will be resurfacing from Gordon Taylor Bridge to Fountain Tire with new curb and gutter and the installation of a signal light crossing at Grove (flashing lights); possibly in 2019 or 2020 Transportation will redo the concrete deck on Gordon Taylor Bridge (with the removal of one side of the sidewalk) which is their preference as there would be less weight on the bridge - this will be a lengthy project.

MO2018.113 Garbutt, DeMott moved that Council close the meeting to the public at 6:10 PM re Transportation Priorities (*FOIPP Act Section 23 Local Public Body Confidences*). Carried unanimously.

MO2018.114 Garbutt, Hansen-Zacharuk moved to revert back to Open Meeting at 6:26 PM. Carried unanimously.

Transportation (continued) – Transportation has agreed to mow along the highways twice per year; an overlay west of Golf Course to Horse Thief Canyon scheduled for 2019 / 2020; Councillor F. Makowecki asked for Transportation's cooperation for heavy truck traffic to be routed around Drumheller, i.e. use the north hill rather than SH838 (by the hospital / school / golf course) – this would alleviate some of the heavy traffic during tourist season; Councillor J. Garbutt inquired as to why the one sidewalk would be removed from the bridge? Mayor H. Colberg explained that during her campaigning this request came to light by the agriculture community as they have to go around Drumheller when moving their equipment. D. Drohomerski explained that in response to the Town's request for a flashing crosswalk adjacent to Dollarama, the Town has been advised by

Transportation that one can be installed at the Town's expense. Transportation does not agree that a flashing crosswalk should be installed at this location from a safety perspective (due to the north bound traffic). Councillor F. Makowecki disagreed with Transportation's view and requested that the Town pursue the flashing crosswalk. He further noted that Transportation has not done a good job of cleaning the curbs. D. Drohomerski explained that they were using a winter sidewalk broom to do the work as the Town's street sweeper (which they rent) was down for repairs. He further explained that he expects they will repeat the work prior to July 1st. In response to a complaint received on silt build up by the curb and gutter near Winks, D. Drohomerski explained that this is run off from the hills to the south and the Town will remove the material. Councillor T. Zariski inquired about the construction dates for the SH575 culvert. D. Drohomerski stated that the contractor is expected to start mid-July with a six week completion timeframe. Councillor T. Zariski expressed concern that the traffic flow will be rerouted to Newcastle Trail.

Museum Sewer Odor – the Museum will construct a lift station later this fall as part of their expansion – currently both parties are adding chemical to mitigate odor issues.

Offsite Levy Bylaw – draft bylaw will be presented to Council in September.

Collective Bargaining – will commence prior to the end of the agreement period (2018).

Elks Demolition - report to Council on ownership transfer with a tender called for demolition this fall.

Ball Diamonds Upgrade - Rosedale and Newcastle drainage work will be done in October.

Trail Plan / Map Showing Gaps - need to identify gaps; to be completed late summer/early fall.

Fenced Dog Park – location needs to be confirmed; plan to have an open house early fall and do some work this fall.

Tourism Corridor Bylaw - working group meeting with the purpose of a bylaw being created this fall; and

Infrastructure Master Plan - TCA component; start inputting into Master Plan – ongoing.

8.2 DIRECTOR OF INFRASTRUCTURE SERVICES

8.3 DIRECTOR OF CORPORATE SERVICES

8.3.1 Bylaw 08.18 being Council's Code of Conduct Bylaw – first reading

D. Drohomerski presented Bylaw 08.18 being Council's Code of Conduct and noted that the bylaw follows AUMA's template. He recommended that Council proceed to first reading of the bylaw.

MO2018.115 Garbutt, Hansen-Zacharuk moved first reading of Bylaw 08.18. Carried unanimously.

8.4. DIRECTOR OF COMMUNITY SERVICES

8.5 DIRECTOR OF PROTECTIVE SERVICES

9.0 PRESENTATION OF QUARTERLY REPORTS BY ADMINISTRATION

10.0 PUBLIC HEARING DECISIONS

10.1 Bylaw 06.18 Cannabis Retail – second reading

MO2018.116 Zariski, Garbutt moved second reading of Bylaw 06.18

Council agreed to the following amendments prior to third reading:

Include only the AGLA requirement of 100 m radius between businesses, include discretionary use under local commercial district for outlying areas (Rosedale) and include discretionary use under M-1 Light Industrial District.

Vote on Motion:

Carried unanimously.

11.0 UNFINISHED BUSINESS

12.0 NOTICE OF MOTION


13.0 MAYOR AND COUNCILLORS REPORTS

13.1 Mayor Heather Colberg – Council's Summer Schedule

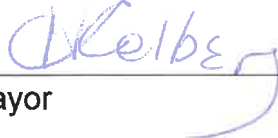
MO2018.117 Zariski, DeMott moved that Council accept Council's summer schedule with the following meetings in July cancelled: July 16, July 23 and July 30 and for August to be determined. Carried unanimously.

14.0 CLOSED MEETING

There being no further business, the Mayor declared the meeting adjourned at 7:18 PM.



Chief Administrative Officer



Mayor