

**Town of Drumheller  
COUNCIL MEETING  
AGENDA**

July 9, 2018 at 4:30 PM  
Council Chamber, Town Hall  
224 Centre Street, Drumheller, Alberta



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**1.0 CALL TO ORDER**

**2.0 MAYOR'S OPENING REMARK**

**3.0 PUBLIC HEARING**

**4.0 ADOPTION OF AGENDA**

**5.0 MINUTES**

**5.1. ADOPTION OF REGULAR COUNCIL MEETING MINUTES**

3-12 5.1.1 Regular Council Meeting Minutes of June 25, 2018

**5.2. MINUTES OF MEETING PRESENTED FOR INFORMATION**

**5.3. BUSINESS ARISING FROM THE MINUTES**

**6.0 DELEGATIONS**

6.1 Russ Watts - Alberta Transportation

**7.0 COMMITTEE OF THE WHOLE RECOMMENDATIONS**

**8.0 REQUEST FOR DECISION REPORTS**

**8.1. CAO**

13-22 8.1.1 Bylaw 08.18 Council's Code of Conduct - 2nd and 3rd reading

23-25 8.1.2 Bylaw 09.18 being a bylaw to close a portion of unused roadway (6th St. W) - 1st reading

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**8.1. CAO**

26-30 8.1.3 Bylaw 10.18 - Amendment to Community Standards Bylaw and Schedule A re Tobacco and Cannabis Use - 1st reading

31-35 8.1.4 Public Participation Policy

**8.2. DIRECTOR OF INFRASTRUCTURE SERVICES**

**8.3. DIRECTOR OF CORPORATE SERVICES**

36-37 8.3.1 RFD - Tax Arrears Agreement - Roll No. 01032408

**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**

38-39 10.1 Bylaw 06.18 Cannabis Retail - 3rd reading as amended

**11.0 UNFINISHED BUSINESS**

**12.0 NOTICE OF MOTION**

**13.0 COUNCILLOR REPORTS**

40 13.1 Motion Required for Council's Meeting Schedule for August, 2018

**14.0 IN-CAMERA MATTERS**

14.1 Land Matter - Elks Demolition (*FOIPP Act Section 25(1) Economic and other interests of a public body*)

14.2 Legal Matter - Community Assistance Policy (Request from Royal Canadian Legion) (*FOIPP Section 23 Local Public Body Confidence*)

**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 23<sup>rd</sup> 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 2<sup>nd</sup> 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 6<sup>th</sup>.

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 31<sup>st</sup> (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 3<sup>rd</sup>; 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 5<sup>th</sup> 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 17<sup>th</sup> 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.

**MO2018.113** 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**

**MO2018.** 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

**MO2018.114** 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**

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

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Chief Administrative Officer

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Mayor

**TOWN OF DRUMHELLER**

**BYLAW NO. 08.18**

**A BYLAW TO ESTABLISH A CODE OF CONDUCT FOR MEMBERS OF COUNCIL**

WHEREAS, pursuant to section 146.1(1) of the *Municipal Government Act*, a council must, by bylaw, establish a code of conduct governing the conduct of councillors;

AND WHEREAS, pursuant to section 146.1(3) of the *Municipal Government Act*, a council may, by bylaw, establish a code of conduct governing the conduct of members of council committees and other bodies established by the council who are not councillors;

AND WHEREAS, pursuant to section 153 of the *Municipal Government Act*, councillors have a duty to adhere to the code of conduct established by the council;

AND WHEREAS the public is entitled to expect the highest standards of conduct from the members that it elects to council for the Town of Drumheller;

AND WHEREAS the establishment of a code of conduct for members of council is consistent with the principles of transparent and accountable government;

AND WHEREAS a code of conduct ensures that members of council share a common understanding of acceptable conduct extending beyond the legislative provisions governing the conduct of councillors;

NOW THEREFORE the Council of the Town of Drumheller, in the Province of Alberta, duly assembled, enacts as follows:

**1. Short Title**

1.1. This Bylaw may be referred to as the "Council Code of Conduct Bylaw".

**2. Definitions**

2.1. In this Bylaw, words have the meanings set out in the Act, except that:

- (a) "Act" means the *Municipal Government Act*, R.S.A. 2000, c. M-26, and associated regulations, as amended;
- (b) "Administration" means the administrative and operational arm of the Municipality, comprised of the various departments and business units and including all employees who operate under the leadership and supervision of the CAO;

## **Agenda Item # 8.1.1**

- (c) “CAO” means the Chief Administrative Officer of the Municipality, or their delegate;
- (d) “FOIP” means the Freedom of Information and Protection of Privacy Act, R.S.A. 2000, c. F-25, any associated regulations, and any amendments or successor legislation;
- (e) “Investigator” means Council or the individual or body established by Council to investigate and report on complaints;
- (f) “Member” means a member of Council and includes a councillor or the Mayor and includes members of council committees or other bodies established by Council who are not councillors or the Mayor;
- (g) “Municipality” means the municipal corporation of the Town of Drumheller.

### **3. Purpose and Application**

- 3.1. The purpose of this Bylaw is to establish standards for the ethical conduct of Members relating to their roles and obligations as representatives of the Municipality and a procedure for the investigation and enforcement of those standards.

### **4. Representing the Municipality**

- 4.1. Members shall:

- (a) act honestly and, in good faith, serve the welfare and interests of the Municipality as a whole;
- (b) perform their functions and duties in a conscientious and diligent manner with integrity, accountability and transparency;
- (c) conduct themselves in a professional manner with dignity and make every effort to participate diligently in the meetings of Council, committees of Council and other bodies to which they are appointed by Council; and

- (d) arrange their private affairs and conduct themselves in a manner that promotes public confidence and will bear close public scrutiny.

**5. Communicating on Behalf of the Municipality**

- 5.1. A Member must not claim to speak on behalf of Council unless authorized to do so.
- 5.2. Unless Council directs otherwise, the Mayor is Council's official spokesperson and in the absence of the Mayor it is the Deputy Mayor. All inquiries from the media regarding the official Council position on an issue shall be referred to Council's official spokesperson.
- 5.3. A Member who is authorized to act as Council's official spokesperson must ensure that their comments accurately reflect the official position and will of Council as a whole, even if the Member personally disagrees with Council's position.
- 5.4. No Member shall make a statement when they know that statement is false.
- 5.5. No Member shall make a statement with the intent to mislead Council or members of the public.

**6. Respecting the Decision-Making Process**

- 6.1. Decision making authority lies with Council, and not with any individual Member. Council may only act by bylaw or resolution passed at a Council meeting held in public at which there is a quorum present. No Member shall, unless authorized by Council, attempt to bind the Municipality or give direction to employees in Administration, agents, contractors, consultants or other service providers or prospective vendors to the Municipality.
- 6.2. Members shall conduct and convey Council business and all their duties in an open and transparent manner other than for those matters which by law are authorized to be dealt with in a confidential manner in an in-camera session, and in so doing, allow the public to view the process and rationale which was used to reach decisions and the reasons for taking certain actions.
- 6.3. Members shall accurately communicate the decisions of Council, even if they disagree with Council's decision, such that respect for the decision-making processes of Council is fostered.

**7. Adherence to Policies, Procedures and Bylaws**

- 7.1. Members shall uphold the law established by the Parliament of Canada and the Legislature of Alberta and the bylaws, policies and procedures adopted by Council.
- 7.2. Members shall respect the Municipality as an institution, its bylaws, policies and procedures and shall encourage public respect for the Municipality, its bylaws, policies and procedures.

## **Agenda Item # 8.1.1**

- 7.3. A Member must not encourage disobedience of any bylaw, policy or procedure of the Municipality in responding to a member of the public, as this undermines public confidence in the Municipality and in the rule of law.

### **8. Respectful Interactions with Council Members, Staff, the Public and Others**

- 8.1. Members shall act in a manner that demonstrates fairness, respect for individual differences and opinions, and an intention to work together for the common good and in furtherance of the public interest.
- 8.2. Members shall treat one another, employees of the Municipality and members of the public with courtesy, dignity and respect and without abuse, bullying or intimidation.
- 8.3. No Member shall use indecent, abusive, or insulting words or expressions toward another Member, any employee of the Municipality or any member of the public.
- 8.4. No Member shall speak in a manner that is discriminatory to any individual based on the person's race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation.
- 8.5. Members shall respect the fact that employees in Administration work for the Municipality as a corporate body and are charged with making recommendations that reflect their professional expertise and a corporate perspective and that employees are required to do so without undue influence from any Member or group of Members.
- 8.6. Members must not:
- (a) involve themselves in matters of Administration, which fall within the jurisdiction of the "CAO";
  - (b) use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding or influencing any employee of the Municipality with the intent of interfering in the employee's duties; or
  - (c) maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of employees of the Municipality.

### **9. Confidential Information**

- 9.1. Members must keep in confidence matters discussed in private at a Council or Council committee meeting until the matter is discussed at a meeting held in public.

## **Agenda Item # 8.1.1**

- 9.2. In the course of their duties, Members may also become privy to confidential information received outside of an “in-camera” meeting. Members must not:
- (a) disclose or release by any means to any member of the public, including the media, any confidential information acquired by virtue of their office, unless the disclosure is required by law or authorized by Council to do so;
  - (b) access or attempt to gain access to confidential information in the custody or control of the Municipality unless it is necessary for the performance of the Member’s duties and is not otherwise prohibited by Council, and only then if the information is acquired through appropriate channels in accordance with applicable Council bylaws and policies;
  - (c) use confidential information for personal benefit or for the benefit of any other individual or organization.
- 9.3. Confidential information includes information in the possession of, or received in confidence by, the Municipality that the Municipality is prohibited from disclosing pursuant to legislation, court order or by contract, or is required to refuse to disclose under FOIP or any other legislation, or any other information that pertains to the business of the Municipality, and is generally considered to be of a confidential nature, including but not limited to information concerning:
- (a) the security of the property of the Municipality;
  - (b) a proposed or pending acquisition or disposition of land or other property;
  - (c) a tender that has or will be issued but has not been awarded;
  - (d) contract negotiations;
  - (e) employment and labour relations;
  - (f) draft documents and legal instruments, including reports, policies, bylaws and resolutions, that have not been the subject matter of deliberation in a meeting open to the public;
  - (g) law enforcement matters;
  - (h) litigation or potential litigation, including matters before administrative tribunals; and
  - (i) advice that is subject to solicitor-client privilege.

**10. Conflicts of Interest**

- 10.1. Members have a statutory duty to comply with the pecuniary interest provisions set out in Part 5, Division 6 of the Act and a corresponding duty to vote unless required or permitted to abstain under the Act or another enactment.
- 10.2. Members are to be free from undue influence and not act or appear to act in order to gain financial or other benefits for themselves, family, friends or associates, business or otherwise.
- 10.3. Members shall approach decision-making with an open mind that is capable of persuasion.
- 10.4. It is the individual responsibility of each Member to seek independent legal advice, at the Member's sole expense, with respect to any situation that may result in a pecuniary or other conflict of interest.

**11. Improper Use of Influence**

- 11.1. No Member shall use the influence of the Member's office for any purpose other than for the exercise of the Member's official duties.
- 11.2. No Member shall act as a paid agent to advocate on behalf of any individual, organization or corporate entity before Council or a committee of Council or any other body established by Council.
- 11.3. Members shall not contact or otherwise attempt to influence members of any adjudicative body regarding any matter before it relating to the Municipality.
- 11.4. Members shall refrain from using their positions to obtain employment with the Municipality for themselves, family members or close associates. Members are ineligible to apply or be considered for any position with the Municipality while they hold their elected position and for 90 days after leaving office.

**12. Use of Municipal Assets and Services**

- 12.1. Members shall use municipal property, equipment, services, supplies and staff resources only for the performance of their duties as a Member, subject to the following limited exceptions:
  - (a) municipal property, equipment, service, supplies and staff resources that are available to the general public may be used by a Member for personal use upon the same terms and conditions as members of the general public, including booking and payment of any applicable fees or charges;
  - (b) electronic communication devices, including but not limited to desktop computers, laptops, tablets and smartphones, which are supplied by the

## ***Agenda Item # 8.1.1***

Municipality to a Member, may be used by the Member for personal use, provided that the use is not for personal gain, offensive or inappropriate.

### **13. Orientation and Other Training Attendance**

- 13.1. Every Member must attend the orientation training offered by the Municipality within 90 days after the Member takes the oath of office. Attendance at additional training sessions throughout the Council term is discretionary.

### **Remuneration and Expenses**

- 14.1. Members are stewards of public resources and shall avoid waste, abuse and extravagance in the use of public resources.
- 14.2. Members shall be transparent and accountable with respect to all expenditures and strictly comply with all municipal bylaws, policies and procedures regarding claims for remuneration and expenses.

### **Gifts and Hospitality**

- 15.1. Members shall not accept gifts, hospitality or other benefits that would, to a reasonable member of the public, appear to be in gratitude for influence, to induce influence, or otherwise to go beyond the necessary and appropriate public functions involved.
- 15.2. Members may accept hospitality, gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation, provided that the value of the hospitality, gift or benefit does not exceed one hundred dollars (\$100). Hospitality, gifts or benefits received that exceeds \$100.00, must be reported to Council by way of quarterly report.
- 15.3. Gifts received by a Member on behalf of the Municipality as a matter of official protocol which have significance or historical value for the Municipality shall be left with the Municipality when the Member ceases to hold office.

### **Election Campaigns**

- 16.1. No Member shall use any facilities, equipment, supplies, services, municipal logo or other resources of the Municipality for any election campaign or campaign-related activity.

**Informal Complaint Process**

- 16.2. Any person who has identified or witnessed conduct by a Member that the person reasonably believes, in good faith, is in contravention of this Bylaw may address the prohibited conduct by:
- (a) advising the Member that the conduct violates this Bylaw and encouraging the Member to stop,
  - (b) requesting the Mayor to assist in informal discussion of the alleged complaint with the Member in an attempt to resolve the issue. In the event that the Mayor is the subject of, or is implicated in a complaint, the person may request the assistance of the Deputy Mayor.
- 16.3. Individuals are encouraged to pursue this informal complaint procedure as the first means of remedying conduct that they believe violates this Bylaw. However, an individual is not required to complete this informal complaint procedure prior to pursuing the formal complaint procedure outlined below.

**17. Formal Complaint Process**

- 17.1. Any person who has identified or witnessed conduct by a Member that the person reasonably believes, in good faith, is in contravention of this Bylaw may file a formal complaint in accordance with the following procedure:
- (a) All complaints shall be made in writing and shall be dated and signed by an identifiable individual;
  - (b) All complaints shall be addressed to the Investigator;
  - (c) The complaint must set out reasonable and probable grounds for the allegation that the Member has contravened this Bylaw, including a detailed description of the facts, as they are known, giving rise to the allegation;
  - (d) If the facts, as reported, include the name of one or more Members who are alleged to be responsible for the breach of this Bylaw, the Member or Members concerned shall receive a copy of the complaint submitted to the Investigator;
  - (e) Upon receipt of a complaint under this Bylaw, the Investigator shall review the complaint and decide whether to proceed to investigate the complaint or not. If the Investigator is of the opinion that a complaint is frivolous or vexatious or is not made in good faith, or that there are no grounds or insufficient grounds for conducting an investigation, the Investigator may choose not to investigate or, if already commenced, may terminate any investigation, or may dispose of the complaint in a summary manner. In that event, the complainant and Council, if Council is not the Investigator, shall be notified of the Investigator's decision;

## **Agenda Item # 8.1.1**

- (f) If the Investigator decides to investigate the complaint, the Investigator shall take such steps as it may consider appropriate, which may include seeking legal advice. All proceedings of the Investigator regarding the investigation shall be confidential;
- (g) If the Investigator is not Council, the Investigator shall, upon conclusion of the investigation, provide the Council and the Member who is the subject of the complaint, the results of the Investigator's investigation;
- (h) A Member who is the subject of an investigation shall be afforded procedural fairness, including an opportunity to respond to the allegations before Council deliberates and makes any decision or any sanction is imposed;
- (i) A Member who is the subject of an investigation is entitled to be represented by legal counsel, at the Member's sole expense.

### **18. Compliance and Enforcement**

- 18.1. Members shall uphold the letter and the spirit and intent of this Bylaw.
- 18.2. Members are expected to co-operate in every way possible in securing compliance with the application and enforcement of this Bylaw.
- 18.3. No Member shall:
  - (a) undertake any act of reprisal or threaten reprisal against a complainant or any other person for providing relevant information to Council or to any other person;
  - (b) obstruct Council, or any other person, in carrying out the objectives or requirements of this Bylaw.
- 18.4. Sanctions that may be imposed on a Member, by Council, upon a finding that the Member has breached this Bylaw may include:
  - (a) a letter of reprimand addressed to the Member;
  - (b) requesting the Member to issue a letter of apology;
  - (c) publication of a letter of reprimand or request for apology and the Member's response;
  - (d) suspension or removal of the appointment of a Member as the chief elected official under section 150(2) of the Act;
  - (e) suspension or removal of the appointment of a Member as the deputy chief elected official or acting chief elected official under section 152 of the Act;
  - (f) suspension or removal of the chief elected official's presiding duties under section 154 of the Act;
  - (g) suspension or removal from some or all Council committees and bodies to which council has the right to appoint members;

...

**Agenda Item # 8.1.1**

- (h) reduction or suspension of remuneration as defined in section 275.1 of the Act corresponding to a reduction in duties, excluding allowances for attendance at council meetings;
- (i) any other sanction Council deems reasonable and appropriate in the circumstances provided that the sanction does not prevent a Member from fulfilling the legislated duties of a councillor and the sanction is not contrary to the Act.

**19. Review**

19.1. This Bylaw shall be brought forward for review at the beginning of each term of Council, when relevant legislation is amended, and at any other time that Council considers appropriate to ensure that it remains current and continues to accurately reflect the standards of ethical conduct expected of Members.

READ a First time this 25th day of June 2018.

READ a Second time this \_\_\_\_ day of \_\_\_\_\_ 2018.

READ a Third time this \_\_\_\_ day of \_\_\_\_\_ 2018.

SIGNED AND PASSED this \_\_\_\_ day of \_\_\_\_\_ 2018.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF ADMINISTRATIVE  
OFFICER

**THE TOWN OF DRUMHELLER**

**BYLAW NO. 09.18**

**THIS IS A BY-LAW OF THE TOWN OF DRUMHELLER**, in the Province of Alberta for the purpose of closing a portion of an unused and undeveloped public Street shown of the attached SCHEDULE – “A” to public travel and acquiring title to these lands in the name of THE TOWN OF DRUMHELLER in accordance with the Section 22 of the Municipal Government Act, Chapter M-26, Revised Statutes of Alberta 2000, as amended; and then selling and incorporating same with the adjacent lands.

**WHEREAS;** that portion of Street on Plan 2193 C.C. ( 6<sup>th</sup>. Street West ) shown on SCHEDULE A attached is not required for public travel and an application has been made to the Town of Drumheller to have these undeveloped closed, and

**WHEREAS;** this portion of Street ( 6<sup>th</sup>. Street West ) as shown on SCHEDULE A attached has not been developed, has never been used for public travel and will never be required for public road or other public purposes in the foreseeable future, and

**WHEREAS;** a notice of this intention was published in the Drumheller Mail once a week for two consecutive weeks; on August 1<sup>st</sup>, 2018 and again on August 8<sup>th</sup>, 2018 the last of such publications being at least five days before the day fixed for the passing of this By-Law, and

**WHEREAS:** the Council of the Town of Drumheller held a public hearing on the 20<sup>th</sup> day of August A.D., 2018 at their regular or special meeting of Council in which all interested parties were provided an opportunity to be heard, and

**WHEREAS:** the Council of THE TOWN OF DRUMHELLER was not petitioned for an opportunity to be heard by any person prejudicially affected by this By-Law;

**NOW THEREFORE;** be it resolved that THE COUNCIL of THE TOWN OF DRUMHELLER, in the Province of Alberta does hereby enact to close the following described portions of the Street on Plan 2193 C.C. ( 6<sup>th</sup>. Street West) from public use, obtain title to same in the name of THE TOWN OF DRUMHELLER, a Municipal Body Corporate, of 224 Centre Street, DRUMHELLER, Alberta. T0J 0Y4

AREA- ‘A’ AS SHOWN ON ATTACHED SCHEDULE “A”

and more particularly described as follows:

THAT PORTION OF 6<sup>TH</sup>. STREET WEST ON PLAN 2193 C.C. WHICH LIES WITHIN  
LOT 28, BLOCK 46, DESCRIPTIVE PLAN .....

EXCEPTING THEREOUT ALL MINES AND MINERALS.

**BYLAW NO. 09.18**

THIS BY-LAW takes effect on the day of the final passing thereof.

READ AND PASSED THE FIRST TIME BY THE  
COUNCIL OF THE TOWN OF DRUMHELLER this 9th day of July A.D. 2018.

\_\_\_\_\_  
MAYOR; HER WORSHIP: HEATHER COLBERG

Seal

\_\_\_\_\_  
DARRYL E. DROHOMERSKI, C.E.T.  
CHIEF ADMINISTRATIVE OFFICER

**APPROVED BY:  
ALBERTA TRANSPORTATION**

Seal

\_\_\_\_\_  
MINISTER: THE HONOURABLE BRIAN MASON  
RM. 425, LEGISLATIVE BUILDING,  
10800 97<sup>TH</sup>. AVENUE, EDMONTON, ALBERTA. T5K 2B6

READ AND PASSED THE SECOND TIME BY THE  
COUNCIL OF THE TOWN OF DRUMHELLER this            day of            , A.D. 2018.

\_\_\_\_\_  
MAYOR; HER WORSHIP: HEATHER COLBERG

Seal

\_\_\_\_\_  
DARRYL E. DROHOMERSKI, C.E.T.  
CHIEF ADMINISTRATIVE OFFICER

READ AND PASSED THE THIRD TIME BY THE  
COUNCIL OF THE TOWN OF DRUMHELLER this            day of            ,A.D. 2018.

\_\_\_\_\_  
MAYOR; HER WORSHIP: HEATHER COLBERG

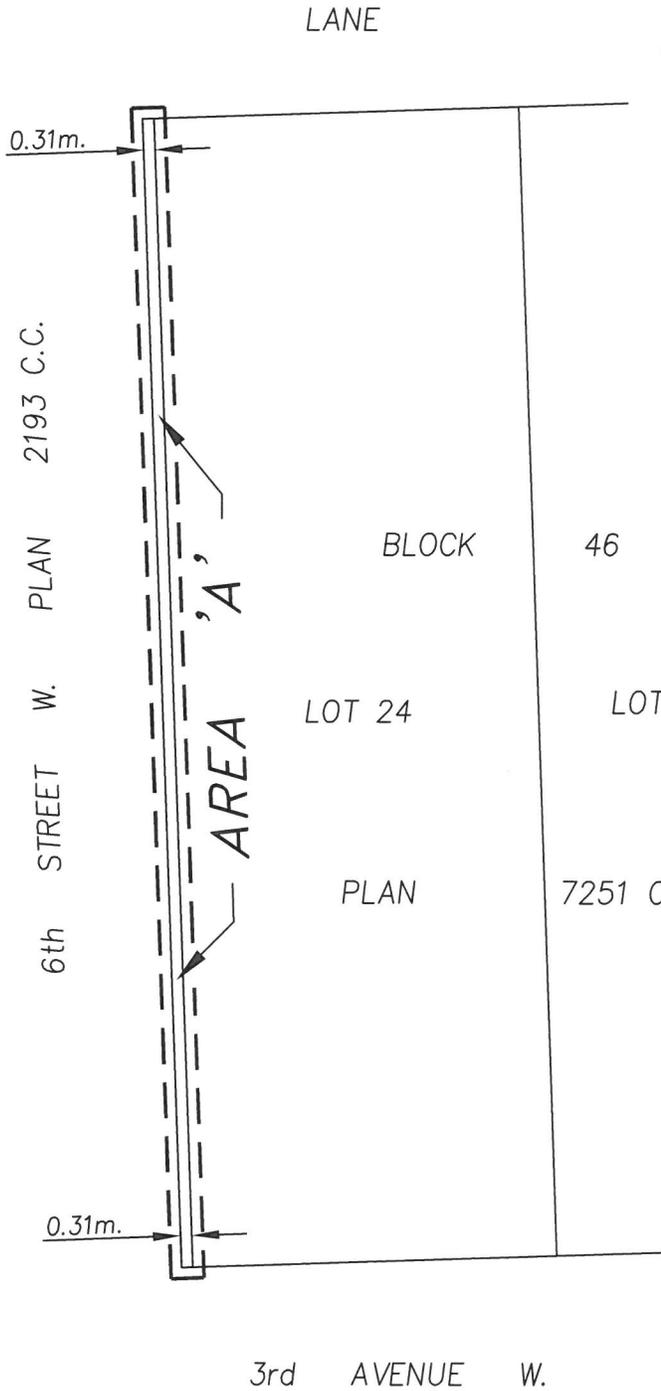
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\_\_\_\_\_  
DARRYL E. DROHOMERSKI, C.E.T.  
CHIEF ADMINISTRATIVE OFFICER

— DRUMHELLER, ALBERTA —

PLAN SHOWING ROAD CLOSURE  
AFFECTING PART OF  
6th STREET W. ON PLAN 2193 C.C.  
ADJACENT TO  
LOT 24, BLOCK 46, PLAN 7251 C.K.

—SCALE= 1:200 — 2018 — W.R.HUNTER, A.L.S.—



LEGEND:

Distances are in metres and decimals thereof.

Area affected by this plan is outlined thus... — — —  
and contains: 9.70sq.metres(104.4sq.feet.)



HUNTER WALLACE SURVEYS LTD.  
DRUMHELLER, ALBERTA  
FILE: 05-17-179B

**TOWN OF DRUMHELLER  
BYLAW 10.18**

BEING A BYLAW TO AMEND THE COMMUNITY STANDARDS BYLAW AND SCHEDULE A.

**WHEREAS:** Section 191 of the Municipal Government Act, being chapter M-26 of the Revised Statutes of Alberta 200, and amendments thereto, allows the Council of a municipality the power to pass a bylaw which includes a power to amend a bylaw; and

WHEREAS: Council deems it expedient and desirable for the health, safety, and welfare of inhabitants to regulate smoking and vaping of tobacco, cannabis and other substances in the Town of Drumheller.

NOW THEREFORE, the Council of the Town of Drumheller duly assembled hereby enacts as follows:

That Bylaw 16.10 shall be amended as follows:

1. The following new definitions shall be added to Part 2 Definitions:
  - (a) "Cannabis" as defined in the Cannabis Act;
  - (b) "Cannabis Act" means Bill C-45, an Act respecting Cannabis and to amend the controlled Drugs and Substances Act, the Criminal Code and Other Acts;
  - (c) "Cannabis Consumption" means to "smoke" or "vape" cannabis;
  - (d) "Electronic Smoking Device" means an electronic device used to deliver nicotine, cannabis, tobacco, or other substances to the person inhaling from the device, but not limited to an electronic cigarette, vaporizer, cigar, cigarillo or pipe;
  - (e) "Smoke or Smoking" means inhaling or exhaling the smoke produced by burning a substance; holding or otherwise having control of any device or thing containing a lit substance;
  - (f) "Tobacco" means a product composed in whole or in part of tobacco, including tobacco leaves and any extract of tobacco leaves, but does not include any product for use in nicotine replacement therapy;
  - (g) "Tobacco Consumption" means to "smoke" or "vape" tobacco;

- (h) "Vape or Vaping" means: inhaling or exhaling the vapour, emissions or aerosol produced from an electronic smoking device; holding or otherwise having control of an electronic device that is producing vapour, emissions or aerosol.

2. That the following new sections are added:

**20. TOBACCO CONSUMPTION**

20.1 A person shall not smoke or vape tobacco:

- (a) in all or any part of a building, structure or other enclosed area to which members of the public have access as of right or by express or implied invitation;
- (b) within five (5) meters of an entrance or exit to a building of which members of the public have access as of right or by express or implied invitation.

**21. CANNABIS CONSUMPTION**

21.1 No person shall smoke or vape cannabis in a public place.

21.2 A person who is entitled to use Cannabis pursuant to the Access to Cannabis for Medical Purposes Regulations SOR/2016-230 is not subject to Section 21.1 of this bylaw, but must adhere to the Provincial Regulations that govern public consumption.

21.3 A person referred to in Section 21.2, must, on demand of a Peace Officer, produce a copy of the persons medical documentation.

3. That the following section be renumbered: 20. Commencements, Repeals to be renumbered 22.

Bylaw 11-96 "No Smoking Bylaw" is hereby repealed.

This Bylaw shall take effect on the day of the final passing thereof.

READ A FIRST TIME ON THE 9th day of July, 2018.

READ A SECOND TIME ON THE day of , 2018.

READ A THIRD AND FINAL TIME ON THE day of , 2018

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MAYOR

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CHIEF ADMINISTRATIVE OFFICER

**Schedule A**

**COMMUNITY STANDARDS BYLAW FINES**

The following fines to be added to Schedule A

<b>Tobacco Consumption</b>	20.1	
a) first offence		\$ 50.00
b) second and subsequent offences		\$ 100.00
<b>Cannabis Consumption</b>	21.1	
a) first offence		\$ 50.00
b) second and subsequent offences		\$ 100.00

**BY-LAW #11-96  
OF THE  
CITY OF DRUMHELLER  
PROVINCE OF ALBERTA**

**A BY-LAW OF THE CITY OF DRUMHELLER TO REGULATE SMOKING IN BUILDINGS OWNED OR LEASED BY THE CITY OF DRUMHELLER.**

**WHEREAS** It is desirable in the interest of promoting the health, safety and welfare of the inhabitants of the City of Drumheller to prohibit or regulate smoking, or both, in buildings owned or leased by the City;

**NOW THEREFORE** the Council of the City of Drumheller, duly assembled enacts as follows:-

1. This By-Law may be cited as "**The No Smoking By-Law.**"
2. In this By-Lay:
  - (a) "City" means the City of Drumheller.
  - (b) "Enforcement Officer" means any Peace Officer or the By-Law Enforcement Officer of the City of Drumheller.
  - (c) "No Smoking Area" means an area designated by the City in which smoking is prohibited.
  - (d) "Smoke" or "Smoking" means the inhaling, exhaling, burning or carrying of a lighted cigarette, cigar, pipe or other lighted smoking equipment burning tobacco or any other weed or substance.
  - (e) "Smoking Area" means an area designate by the City in which smoking is permitted.
3. All buildings owned or leased by the City of Drumheller are hereby declared smoke free and designated as no smoking areas.
4. No person shall smoke in a designated no smoking area.
5. Notwithstanding the other provisions of this By-Law, the Council of the City of Drumheller, upon written application:
  - (a) may, by resolution, designate smoking areas within City owned or leased buildings.

## Agenda Item # 8.1.3

By-Law #11-96  
Page 2

6. The City Manager is hereby authorized to grant permission whereby smoking will be permitted in a City owned or leased building during a specific occasion or special event.
7. Every person who contravenes any of the provisions of this By-Law is guilty of an offence and liable on summary conviction to a fine of not less than One Hundred (\$100.00) Dollars and not more than Twenty-five Hundred (\$2,500.00) Dollars.
8. Any person who smokes in violation of any of the provisions of this By-Law shall be liable to a voluntary penalty of One Hundred (\$100.00) Dollars and, upon summary conviction, to a fine of not less than One Hundred (\$100.00) dollars nor more than Twenty-five Hundred (\$2500.00) Dollars.
9. This By-Law shall come into effect on October 1, 1996.

READ A FIRST TIME this 22nd day of July, 1996.

READ A SECOND TIME this 3rd day of September, 1996.

READ A THIRD AND FINAL TIME this 3rd day of September, 1996.

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
CITY CLERK



# DRUMHELLER

## C O U N C I L P O L I C Y



### Council Policy # C03-18

## Public Participation Policy

#### I. POLICY PURPOSE:

In accordance with Section 216.1 of the *Municipal Government Act*, this Public Participation Policy has been developed to recognize the value of public participation and create opportunities for meaningful public participation in decisions that directly impact the public.

This Public Participation Policy is in addition to and does not modify or replace the statutory public hearing requirements in the *Municipal Government Act*.

#### II. BACKGROUND

Council recognizes that good governance includes engaging Municipal Stakeholders in Public Participation by:

- 1) Creating opportunities for Municipal Stakeholders who are affected by a decision to influence the decision;
- 2) Promoting sustainable decisions by recognizing various Municipal Stakeholder interests;
- 3) Providing Municipal Stakeholders with the appropriate information and tools to engage in meaningful participation; and
- 4) Recognizing that although Councillors are elected to consider and promote the welfare and interest of the Town of Drumheller as a whole and are generally required to vote on matters brought before Council, facilitating Public Participation for matters beyond those where public input is statutorily required can enrich the decision making process.

#### III. DEFINITIONS:

**CAO** means the Chief Administrative Officer of the Town of Drumheller or their delegate.

**Municipal Stakeholders** means the residents of the Town of Drumheller, as well as other individuals, organizations or persons that may have an interest in, or are affected by, a decision made by the Town of Drumheller.

**Municipality** means the Town of Drumheller.

**Public Participation** includes a variety of non-statutory opportunities where Municipal Stakeholders receive information and / or provide input to the Municipality.

**Public Participation Plan** means a plan which identifies which Public Participation Tools to be used to obtain public input in a particular circumstance.

**Public Participation Tools** means the tools that may be used, alone or in combination, to create Public Participation opportunities include, but not limited to:

- (a) Digital participation which may include online workbooks, chat groups, webinars, message boards / discussion forums, and online polls or surveys;
- (b) Written participation which may include submissions, email, and mail-in surveys, polls and workbooks; and
- (c) In-person participation which may include at-the-counter interactions, door-knocking, interviews, meetings, round-tables, town halls, open houses and workshops;
- (d) Representative participation which may include being appointed to an advisory committee, ad hoc committee or citizen board.

#### **IV. APPLICATION**

The application of this public participation policy must be balanced with the understanding that Council is elected to make decision that set the direction for the municipality. While taking into account all of the information available to them, including the input of the public, Council must ultimately bear the burden of making significant and often difficult choices. Furthermore, to allow for timely and efficient governance, public participation must be proportional to the scope of the decision made.

#### **V. ROLES AND RESPONSIBILITIES**

##### **1) Council Responsibilities**

- (a) Council is responsible for:
  - (i) Being familiar with the Town of Drumheller Public Participation Plans and promoting its proper use, including clarity of roles between staff, Council and residents;
  - (ii) Reviewing and approving Public Participation Plans developed by the CAO in accordance with this policy or as directed by Council;
  - (iii) Ensuring that sufficient staff and financial resources are dedicated to solicit public participation in accordance with this policy;
  - (iv) Promoting awareness of and participation in public participation activities;
  - (v) Considering input obtained through public participation; and
  - (vi) Review this Policy to ensure the Policy complies with all relevant legislation, municipal policies and the spirit and intent of Public Participation.

**2) Administration Responsibilities**

(a) CAO is responsible for:

- (i) Ensuring that this policy is used by all staff when they develop and implement projects that require public participation and having public participation project plans reviewed by Council when necessary;
- (ii) Ensuring that there is an effective internal approval and coordination process for public participation initiatives by and through various departments, such that the Town of Drumheller capacity for such initiatives is not exceeded and so activities and events do not overlap or cause confusion;
- (iii) Ensuring that staff and financial resources are available to support the planning and execution of projects and processes that are approved under this policy;
- (iv) Implement approved public participation plans;
- (v) Report on the activities, the findings, and the quality of and effectiveness of public participation efforts to Council; and
- (vi) Evaluate the effectiveness of the Town of Drumheller in using this policy and keeping the roles of staff, Council and public clear and distinct.

(b) Communications Officer is responsible for:

- (i) Maintaining the Town of Drumheller communication channels with up-to-date information and opportunities for public participation, in conjunction with each department and their directors;
- (ii) Use the internal process to coordinate public participation activities to prevent overlap and confusion, in conjunction with department directors/staff;
- (iii) Maintaining the Public Participation Plan of participation activities/formats;
- (iv) Supporting departments undertaking public participation with social media, media, advertising and other promotion efforts; and
- (v) Helping departments develop and resource their public participation projects and activities.

**VI. PUBLIC PARTICIPATION OPPORTUNITIES**

(a) CAO shall develop and implement a Public Participation Plan in the following circumstances:

- (i) When new programs or services are being established;
- (ii) When existing programs and services are being reviewed;
- (iii) When identifying Council priorities;
- (iv) When gathering input or formulating recommendations with respect to budget;

- (v) When gathering input or formulating recommendations with respect to the Town of Drumheller's strategic plans or business plans;
- (vi) When gathering input or formulating recommendations with respect to the Town of Drumheller's capital plan and / or financial plan; or
- (vii) As otherwise directed by Council.

## VII. POLICY EXPECTATIONS

### 1) Legislative and Policy Implications

- (a) All Public Participation will be undertaken in accordance with the Municipal Government Act, the Freedom of Information and Protection of Privacy Act and any other applicable legislation.
- (b) All Public Participation will be undertaken in accordance with all existing municipal policies.
- (c) This Policy shall be available for public inspection and may be posted to the Town of Drumheller's website.
- (d) This Policy will be reviewed at least once every four years.

### 2) Public Participation Standards

- (a) Public Participation will be conducted in a sustainable and inclusive manner having regard to different levels of accessibility.
- (b) Public Participation activities will be conducted in a professional and respectful manner.
- (c) Public Participation plans will consider early, ongoing and diverse opportunities to provide input.
- (d) Municipal Stakeholders who participate in any manner of Public Participation are required to be respectful and constructive in their participation. Municipal Stakeholders who are disrespectful, inappropriate or offensive, as determined by Administration, may be excluded from Public Participation opportunities.
- (e) The results of Public Participation will be made available to Council and Municipal Stakeholders in a timely manner in accordance with municipal policies.

## VIII. PUBLIC PARTICIPATION PLANS

- (a) When so directed by this Policy or Council, the CAO shall develop a Public Participation Plan for approval by Council which shall consider the following:
  - (i) The nature of the matter for which Public Participation is being sought;

...

- (ii) The impact of the matter on Municipal Stakeholders; **Agenda Item # 8.1.4**
- (iii) The demographics of potential Municipal Stakeholders in respect of which Public Participation Tools to utilize, level of engagement and time for input;
- (iv) The timing of the decision and time required to gather input;
- (v) Available resources and reasonable costs.

(b) Public Participation Plans will, at minimum, include the following:

- (i) A communication plan to inform the public about the Public Participation Plan and opportunities to provide input;
- (ii) Identification of which Public Participation Tools will be utilized;
- (iii) Timelines for participation;
- (iv) Information about how input will be used;
- (v) The location of information required, if any, to inform the specific public participation.

**IX. REPORTING AND EVALUATION**

- (a) Information obtained in Public Participation will be reviewed by CAO and a report shall be provided to Council.
- (b) The report shall include, at minimum, the following:
  - (i) An overview of the Public Participation Plan and how it was developed;
  - (ii) An assessment of the effectiveness of the plan based on the level of engagement and the quality of input;
  - (iii) A summary of the input obtained; and
  - (iv) May include recommendations for future Public Participation Plans.
- (c) Reports shall be provided to Council for review.

**Date:** \_\_\_\_\_

\_\_\_\_\_  
**Chief Administrative Officer**

\_\_\_\_\_  
**Mayor**



**Town of Drumheller  
REQUEST FOR DECISION**

<b>TITLE:</b>	Tax Arrears Agreement – Roll No. 01032408
<b>DATE:</b>	June 26, 2018
<b>PRESENTED BY:</b>	Barbara Miller, CPA, CGA, CLGM
<b>ATTACHMENT:</b>	None

**SUMMARY**

Administration is seeking a motion of council to reduce the amount of tax arrears owing on Roll No. 01032408.

**BACKGROUND**

Section 347 (1) of the MGA states that

*“If a council considers it equitable to do so, it may, generally or with respect to a particular taxable property or business or a class of taxable property or business, do one or more of the following, with or without conditions:*

- (a) cancel or reduce tax arrears;*
- (b) cancel or refund all or part of a tax;*
- (c) defer the collection of tax*

Acting on the direction given, administration has now executed a 3-year tax arrears agreement against Roll No. 01032408 and in order to finalize the actions required on the Towns part, a motion of council is required to reduce the balance of tax arrears to the agreed upon amount.

**RECOMMENDATION:**

Administration recommends council move to reduce the tax arrears balance of Roll no. 01032408.

**DISCUSSION (OPTIONS / BENEFITS / DISADVANTAGES):**

This property had fallen into the tax recovery process and was due to be included in the tax recovery auction scheduled for January 2019.

Legal has negotiated a 3-year tax arrears agreement that includes a reduction of the tax arrears balance.

Despite the agreement including a reduction of the tax arrears balance, the agreement is good for the Town for it largely reduces any loss that may have been realized had the property been sold at auction.

**FINANCIAL IMPACT:**

At December 31, 2017, an estimated allowance for bad debt (ADA) was expensed against this property, based on the arrears balance and potential recovery of funds on the sale.

The 3 year tax arrears agreement entered into results in a favorable financial impact. Providing that the owner meets their monthly obligation as set out in the agreement, the monthly payments positively increase cash flow, the risk of current and future taxes going uncollected has been mitigated as estimated future taxes form part of the calculated payment, and the tax arrears reduction that forms part of the agreement is approximately \$11k less than the ADA provision, reducing the overall amount of bad debt expense to be recorded as of Dec31, 2018.

**STRATEGIC POLICY ALIGNMENT:**

Property tax is the primary revenue source for all strategic priorities within the Town.

The collection of property taxes is critical to ensure the cash flow needed to support day to day operations is readily available.

**COMMUNICATION PLAN:**

n/a

**MOTION: Councillor \_\_\_\_\_**

**Move to authorize the reduction of tax arrears on Roll No. 01032408 to the settlement (tax arrears agreement) amount.**

**Seconded: \_\_\_\_\_**

Barbara Miller

Prepared By: \_\_\_\_\_

Reviewed By: \_\_\_\_\_

Approved By: Darryl Drohomerski  
Chief Administrative Officer

**BYLAW NUMBER 06-18**

BEING A BYLAW TO AMEND LAND USE BYLAW NO. 10-08 FOR THE TOWN OF DRUMHELLER IN THE PROVINCE OF ALBERTA.

**WHEREAS** pursuant to the provision of Section 639 of the *Municipal Government Act*, RSA 2000, Chapter M-26, the Council of the Town of Drumheller (hereinafter called the Council), has adopted Land Use Bylaw No. 10-08;

**AND WHEREAS** the Council deems it desirable to amend Land Use Bylaw 10-08; and

**NOW THEREFORE** the Council hereby amends Land Use Bylaw No. 10-08 as follows:

1. In Part I, Section 2, Definitions, immediately following the definition for “Campground”, add the following definitions:

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

2. In Part I, Section 2, Definitions, within the definition for “Retail Store”, add the following to the end of the sentence:

“This definition does not include a Cannabis Retail Store”

3. In Part VI, Land Use Districts, add “Cannabis Retail Store” in the appropriate alphabetical location to the following districts as a Discretionary Use:

- |         |                              |
|---------|------------------------------|
| • C-B   | Central Commercial District  |
| • DT    | Downtown Transition District |
| • Hwy-C | Highway Commercial District  |
| • C-1   | Local Commercial District    |
| • M-1   | Light Industrial District    |
| • M-2   | Medium Industrial District   |

4. In Part VII, General Land Use Regulations, following Section 88. “Medical Marijuana Production Facilities”, add the following section:

**“89. Cannabis Retail Stores”**

...

**Agenda Item # 10.1**

- (a) A Cannabis Retail Store shall comply with all provincial requirements.
- (b) A Cannabis Retail Store shall meet the provincial requirements for minimum separation distances from Schools, a Municipal School Reserve parcel, a School Reserve parcel and Provincial Health Care Facilities.
- (c) Despite Section 89. (a) to (b), no separation distance is required between a Cannabis Retail Store and a home education program.

**5. This Bylaw will come into full force and effect on the date of final passing thereof.**

READ A FIRST TIME THIS 11<sup>th</sup> DAY OF June, 2018

READ A SECOND TIME THIS 25<sup>th</sup> DAY OF June, 2018.

READ A THIRD TIME AND PASSED THIS        DAY OF        , 2018 as amended.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

# AUGUST, 2018 SUMMER CALENDAR

**Agenda Item # 13.1**

Sun	Mon	Tue	Wed	Thu	Fri	Sat
5	6	7	8	9	10	11
STATUTORY HOLIDAY	<b>COUNCIL MEETING CANCELLED</b>					
12	13	14	15	16	17	18
	<b>COUNCIL COMMITTEE CANCELLED</b>					
19	20	21	22	23	24	25
	4:30 PM <b>COUNCIL MEETING</b>					
26	27	28	29	30		
To be determined						
..						