

**MINUTES OF THE PUBLIC HEARING AND REGULAR MEETING OF COUNCIL
of the Town of Banff in the Province of Alberta
Town Hall Council Chamber
Monday, February 12, 2018 at 2:00 pm**

COUNCIL MEMBERS PRESENT

Karen Sorensen	Mayor
Grant Canning	Councillor
Ted Christensen	Councillor and Acting Mayor
Corrie DiManno	Councillor and Deputy Mayor
Chip Olver	Councillor
Peter Poole	Councillor
Brian Standish	Councillor

COUNCIL MEMBERS ABSENT

ADMINISTRATION PRESENT

Robert Earl	Town Manager
Randall McKay	Director, Planning and Development
Nadine Setzer	Manager, Municipal Parks
Shannon Ripley	Environmental Coordinator
Stephan Allan	Engineering Coordinator
Silvio Adamo	Director, Protective Services/Fire Chief
Kerry MacInnis	Recording Secretary

1.0 CALL TO ORDER

The Mayor called the February 12, 2018 meeting of council to order at 2:00 p.m.

2.0 PUBLIC HEARING

2.1 Public Hearing Process

The Mayor outlined the public hearing process.

2.2 Bylaw 420 – Land Use Bylaw Amending Bylaw – Cannabis and Cannabis Related Business Definitions

2.2.1 Call to Order

The Mayor opened the public hearing for Bylaw 420 - Land Use Bylaw Amending Bylaw – Cannabis and Cannabis Related Business Definitions

Confirmation of Advertising and Notice of Hearing

Administration confirmed that advertising and notice of public hearing was given pursuant to the Municipal Government Act.

2.2.2 Staff Report

Administration provided the context and background of the bylaw.

2.2.3 Public Verbal Submissions

- i. Dave Martin, Compass Cannabis Clinic, spoke to his written submission which has been added to these meeting minutes. It is his opinion that education about retail cannabis is most important as a standard operating procedure for his (or any) proposed retail service. Martin is in favor of this bylaw.
- ii. Stavros Karlos, representing himself, spoke in support of this bylaw. It is his opinion that the Town requires more federal guidance on this subject. Karlos has requested that council consider the location of possible retail services, the permissibility of public smoking and the need for additional community discussion on this topic.

2.2.4 Public Written Submissions

- i. Banff Lake Louise Hospitality Association - Darren Reeder
- ii. Compass Cannabis Clinic – Dave Martin
- iii. Stavros Karlos provided a url submission to council for information:
<http://fortune.com/pot-marijuana-colorado/>

The written submissions were received as information and added to the minutes of this meeting.

2.2.5 Council Question Period

Council asked questions of clarification from administration.

2.2.6 Adjournment – Close of the Public Hearing

The Mayor called for a third and final time for speakers and asked that all written submission be brought forward. There were none. The Mayor closed the public hearing at 2:30 p.m.

3.0 APPROVAL OF AGENDA

3.1 Regular Meeting Agenda

COU18-39 Moved by Councillor Standish that council approve the agenda for the February 12, 2018 regular meeting of council as presented.

CARRIED

3.2 For Information: 2017 Council Workplan

Received as information.

4.0 ADOPTION OF PREVIOUS COUNCIL MINUTES

4.1 Minutes of the January 22, 2018 Regular Meeting of Council

COU18-40 Moved by Councillor DiManno that council adopt the minutes of the January 22, 2018 regular meeting of council as presented.

CARRIED

5.0 DELEGATIONS

There were no delegations.

6.0 PUBLIC INPUT ON AGENDA ITEMS

None received.

7.0 UNFINISHED BUSINESS

None considered.

8.0 BYLAWS AND STAFF REPORTS

8.1 Naming of Street – 137 Kootenay Avenue Lane

COU18-41 Moved by Councillor Olver that council name the private lane servicing the former 137 Kootenay Avenue as “Kootenay Ridge” for the purpose of the Addressing Bylaw.

CARRIED

8.2 Banff Bench Program Renewals

COU18-42 Moved by Councillor Standish that council direct administration to administer a perpetual extension for all 65 bench subscriptions from the old policy and refund any renewals received from the 2000-2003 group. This would require an operating budget amendment to increase the taxpayer support for this function.

DEFEATED

Canning, Christensen and Standish in favour

COU18-43 Moved by Councillor Olver that council direct administration to amend the letter that has been prepared and add an additional two year extension to the remaining bench holders (2004 to 2016) under the old policy making their subscription 17 years instead of 15 (as was done for the 2000 to 2003 subscribers), recognizing the complaints have come from the group that have already received a two year extension and that council direct administration to include operating budget impact in future budget.

CARRIED

DiManno, Christensen, Poole Opposed

COU18-44 Moved by Councillor Christensen that council direct administration to return in the 2nd quarter of 2018 with options as to displaying out of date bench holder plaques on trail heads as a way to show the Town’s appreciation to those who participated in the program in the past.

DEFEATED

Canning, Christensen and Poole in favour

8.3 Waste Characterization Study

COU18-45 Moved by Councillor Olver that council direct administration to return in the 2nd quarter of 2018 with options for waste diversion targets, and tactics to increase food and food soiled paper, yard and garden materials, and mixed paper diversion.

CARRIED

8.4 Long Term Planning Initiatives Task Prioritization

COU18-46 Moved by Mayor Sorensen that council endorse the priority of long term planning initiatives to be completed in accordance with the list attached to report as Appendix A as presented.

CARRIED

The appendix as presented was added to the minutes of this meeting.

8.5 Update on Bow Valley to Calgary Transit Feasibility

The report was received as information.

8.6 FireSmart Public Education

The report was received as information.

9.0 COMMITTEE AND BOARD REPORTS

9.1 Minutes of the December 14, 2017 Meeting of the Bow Valley Regional Housing Board

Received as information.

9.2 Bow Valley Regional Housing Board 2017 Highlights

Received as information.

9.3 Minutes of the December 14, 2017 Meeting of the Municipal Planning Commission

Received as information.

10.0 CORRESPONDENCE

None received.

11.0 NEW BUSINESS

None Considered

12.0 PUBLIC INPUT ON AGENDA ITEMS

None received.

13.0 ADJOURNMENT

COU18-47 Moved by Councillor Standish that council adjourn the February 12, 2018 regular meeting of council at 4:45 p.m.

CARRIED

Karen Sorensen
Mayor

Kerry MacInnis
Recording Secretary

Minutes approved by: _____

Retail location and rules

In accordance with the Town of Banff bylaws for operating a business within the municipality, a storefront cannabis retailer must be locally owned and operated, and must have the capital to adhere to storefront and signage requirements. In addition to that, we recommend that the operator be required to set up security and surveillance, and provide details around the steps taken for proper product handling for inventory management and distribution.

Public consumption

We recommend that the Town of Banff extend the current restrictions on public smoking of tobacco products to the smoking of cannabis products. If there are concerns around public use of cannabis and the general nuisance of second-hand smoke, dedicated places to consume cannabis such as lounges or tasting rooms can be allowed with the proper safeguards to prevent the co-consumption with alcohol, and to prevent underage use. We believe that cannabis should only be smoked in designated areas, to protect the family and tourist integrity in town.

Land use/zoning

Similar to liquor licensing and bylaws, limits on the density and location of storefronts, including appropriate distance from schools, community centres, public parks, etc. We do not see a "green mile" being established, and we recommend that no retail locations be allowed on main street. Any dedicated storefronts will require well-trained, knowledgeable staff and specific hours of operation can be set.

Our final concern is regarding the Instruments of Entrustment with Banff National Park. There is the possibility that this process could delay the opening of the retail market here in Banff. What is the town doing to expedite this process?

COMPASSCLINICS.CA



@compasscannabis

info@compasscannabis.ca

COMPASS

Redefining Cannabis.

PHOTO: SHUTTERSTOCK/STOCK MARKET

Compass Cannabis Clinic has had the opportunity to meet with a number of city councils and Chamber of Commerce across BC & Alberta, in regards to legalization and the projected impact on our communities.

We thank the Banff City Council for opening up the conversation and allowing us to provide our feedback on the potential bylaw amendments.

As a municipality, the Town of Banff will be responsible for these areas of interest: **education, taxation, retail locations and rules, public consumption, and land use/zoning.**

As citizens, we are responsible for the safekeeping of our communities and so it is imperative for each municipality to carefully select retailers who have the ability to responsibly operate their cannabis business.

With that in mind, we would like to provide the following recommendations.



Education

Operators should be required to provide accurate educational marketing to patrons. This can be made visible on interior store signage, properly trained staff and point of sale flyers with social responsibility messaging. Information should be shared for public benefit on the various methods of ingestion, the effects that may be experienced, how not to over-consume, keeping cannabis out of the hands of minors, and don't drive high messaging.

Taxation

Retailers should be required to provide an experienced accountant/bookkeeper as a single point of contact for streamlined tax collection and documentation. Federal regulations may include the required use of a specific POS system. Retailers should be prepared to self audit and ensure that the city is collecting their fair share of taxes.

With the collection of appropriate licensing fees and possibly per unit or sales taxes, municipalities can use the revenue to offset related costs for public and administrative education and awareness, law enforcement and research.

The municipality can work with the provincial government to determine a tax regime that includes equitable distribution of revenues in a flexible system that can adapt tax and price approaches to changes within the marketplace.

Something to consider: Price controls and taxes can discourage the use of cannabis, but if the price is too high, it may have the inadvertent effect of shifting consumers to seek lower-cost product in the illicit market.



PO Box 5817
Banff, Alberta T1L 1G7
bllha.ca

February 4, 2018

Town of Banff
Email: municipal.clerk@banff.ca

Subject: Bylaw 420 – Land Use Bylaw Amending Bylaw – Cannabis and Cannabis Related Business Definitions

Dear Mayor & Council:

Please accept this letter in support of the definitions proposed in amending the Land Use Bylaw in preparation for the upcoming legalization of cannabis and cannabis products.

In addition to the definitions proposed, the Banff & Lake Louise Hospitality Association (BLLHA) encourages Mayor & Council to be proactive in adding definitions to encompass businesses that choose to provide a safe environment for residents and visitors alike to consume cannabis products (e.g. a Cannabis Café and/or Cannabis Lounge) and to consider defining safe public places to engage in smoking combustible cannabis products (e.g. a Public Cannabis Smoking Area.)

BLLHA recognizes that Alberta Justice Minister Ganley has stated that, currently, cannabis cafes and lounges will not be considered as current federal legislation applies to combustible cannabis products only; as such, a designated enclosed location to consume combustible products would be a step backwards in terms of occupational health & safety. Minister Ganley has noted that once federal legislation of edible cannabis products is written, cannabis cafes and lounges in Alberta 'may be' considered. BLLHA believes it would be advisable to include definitions now to encompass these items as opposed to having to re-open the bylaw in the future.

Additionally, without market intelligence on how international travellers use combustible products in a jurisdiction where it is already legal to do so, it is unclear how recreational use of the product will unfold. It is reasonable to believe that individuals that engage in recreational use of the product, while at home, are likely to suspend usage when travelling internationally to locales where usage is illegal. Therefore, it is also reasonable to believe that when travelling to a jurisdiction where it is legal to purchase - and engage in recreational use - those same individuals will do so.

As a world class destination and a community with a high level of employee and other rental accommodations, it is vital that we ensure visitors and residents alike are not left feeling like they are engaging in criminal activity simply because the legal and regulatory framework is still in its infancy. In a conversation with the Colorado Hotel & Lodging Association, legislation in Colorado is similar to what

Alberta is considering. It is legal to smoke marijuana in your home. When travelling, home refers to the accommodation you have chosen. Similar to BLLHA hotel members, Colorado hotels are non-smoking and as such employees advise visitors to go to the street to smoke marijuana 'and not get caught.' This is an unacceptable practice for a world class destination. Press releases and the Alberta Government website indicate "Albertans will be allowed to consume cannabis in their homes and in some public spaces where smoking tobacco is allowed." Without clear definition of what or where these public spaces may be, it is prudent that the Town of Banff is proactive in creating the definitions and considering where people may engage in the activity to ensure both the rights of those that wish to engage in the recreational use of combustible cannabis products and those that don't engage are equally respected.

BLLHA is committed to collaborating with the Town of Banff and the Province of Alberta as both legislation and market knowledge unfolds to ensure as a destination we maintain a safe, healthy, caring community for both residents and visitors.

Sincerely,

A handwritten signature in black ink, appearing to read "Darren Reeder", is placed on a light grey rectangular background.

Darren Reeder
Executive Director

Appendix A

OBJECTIVES	PRIORITY	STATUS AS OF Q1	STATUS AS OF Q2	STATUS AS OF Q3	STATUS AS OF Q4	COMMENTS
I. COMMUNITY HOUSING STRATEGY						
1.	Review Required Housing cash-in-lieu provisions	High				
2.	Ensure that required bedrooms provided by developers are appropriate to meet staff housing needs	High				
3.	Enhance public notification about developments; amend LUB regarding enhancement of public notification and information	High				
4.	Encourage and mandate barrier-free housing units, include information sheets for developers, incentive packages to encourage it, and draft technical amendment to LUB	Medium Underway Draft Completed				
5.	Investigate creation of new land use category for employee residences	Medium Underway				
6.	Review minimum unit size (at LUB reviews)	Medium Underway				
7.	Require future apartment housing developments have on site management in the building(s), consistent with s.4.1.1.5 of the Town of Banff Housing Strategy (See also MPC Motion 16-81)	Medium Underway Draft Completed				

8.	Ensure wise use of scarce residential land to prevent building of single family homes across lot lines, and to allow or require ancillary buildings during single home development	Low					
9.	Review height restrictions (at BMP and LUB reviews)	Low					
10.	Review commercial housing requirements (at BMP and LUB reviews)	Low					

OBJECTIVES	PRIORITY	STATUS AS OF Q1	STATUS AS OF Q2	STATUS AS OF Q3	STATUS AS OF Q4	COMMENTS
------------	----------	-----------------	-----------------	-----------------	-----------------	----------

II. CANNABIS RELATED LAND USE BYLAW FRAMEWORK

1.	Cannabis Related Use Definitions	High Underway Draft Completed					
2.	Draft Land Use Bylaw regulatory framework for cannabis dispensaries	Medium					

OBJECTIVES	PRIORITY	STATUS AS OF Q1	STATUS AS OF Q2	STATUS AS OF Q3	STATUS AS OF Q4	COMMENTS
------------	----------	-----------------	-----------------	-----------------	-----------------	----------

III. BANFF DESIGN GUIDELINES

1.	Design Guidelines Review/Update	High	Underway Draft Completed				
2.	Review and update Firesmart guidelines and wildfire risk zones	High	Underway				
3.	Review and update of recommended plant materials list	High	Underway Draft Completed				

OBJECTIVES	PRIORITY	STATUS AS OF Q1	STATUS AS OF Q2	STATUS AS OF Q3	STATUS AS OF Q4	COMMENTS
IV. BED AND BREAKFAST HOME REGULATORY FRAMEWORK						
1. Review Bed and Breakfast Home quotas and associated regulations (MPC Motion 17-43)	High					
2. That Council provide direction on how to proceed with enforcement on existing Bed and Breakfast establishments that are operating outside of their permitted use. Example: when a bed and breakfast advertises they have four bedrooms available when, in fact, they have only been approved to operate two bedrooms. (MPC Motion 17-43)	Medium					
3. VRBO/Air Bn'B Enforcement and Enhanced Regulatory Framework	Medium					
4. Review the taxation structures between Bed & Breakfasts and Hotels in the Town of Banff. (MPC Motion 17-4)	Medium					
5. Review the Bed and Breakfast Home regulations at the appropriate time including the requirement to restrict kitchens within communal accommodation units. (MPC Motion 17-32)	Low					

OBJECTIVES	PRIORITY	STATUS AS OF Q1	STATUS AS OF Q2	STATUS AS OF Q3	STATUS AS OF Q4	COMMENTS
V. LAND USE BYLAW REVIEW						
1. MPC Public Deliberations (COU16-9)	High					
2. Land Use Bylaw CR (Railway) Land Use District amendments	High Underway Draft Completed					
3. Apartment Parking LUB Review (COU17-24)	High					
4. Clarification of the development permit notification sign process (MPC Motion 17-23)	Medium					
5. Review/Update of administrative functions Section 3.0.0 Duties and Responsibilities and Section 4.0.0 Development Permits	Medium					
6. Fast Tracked Sign Permit Review Process	Medium					
7. Pre-design roof sprinklering/solar enabling of residential units (requiring mechanical chases at construction)	Medium					
8. LUB Framework – RV Storage in Residential Districts	Medium Underway Draft Completed					
9. Clarification of Relative Building Height (Storeys) vs. Absolute Height	Low					
10. Specific Required Parking for Vehicle Rental Services (MPC Motion 16-45)	Low					
11. LUB Framework – “Vehicle for Hire” Services	Low					
12. CT District Height Regulation	Low					

OBJECTIVES	PRIORITY	STATUS AS OF Q1	STATUS AS OF Q2	STATUS AS OF Q3	STATUS AS OF Q4	COMMENTS
VI. HERITAGE						
1.	Heritage Site List (COU18-33)	High Underway				
2.	Heritage protection plan policy options (COU18-13)	Medium				
3.	Heritage Reserve Funding	Medium				
OBJECTIVES	PRIORITY	STATUS AS OF Q1	STATUS AS OF Q2	STATUS AS OF Q3	STATUS AS OF Q4	COMMENTS
VII. SPECIAL EVENTS POLICY						
1.	Special Events Policy Amendments to allow block parties (COU17-201) Options for amendments that would allow professional services at farmer's markets (COU17-203)	Low Underway				
2.	Special Events Policy Review (COU17-202)	Low				

OBJECTIVES	PRIORITY	STATUS AS OF Q1	STATUS AS OF Q2	STATUS AS OF Q3	STATUS AS OF Q4	COMMENTS
VIII. OTHER/GENERAL						
1. Commence scoping exercise for review/update of the Banff National Park Management Plan	High Underway					
2. Sidewalk Seating Fee Options	High Underway					
3. Hoarding Policy (COU15-189) and Incentives for Public Art on Hoarding (COU15-190)	High Underway					
4. Review/Update Environmental Design Standards in LUB	Medium					
5. Addressing Bylaw Review and Update	Medium					GIS to lead
6. Building Permit Bylaw Review and Update	Medium					
7. Tunnel Mountain Pageantry Plan / Pageantry Lighting	Medium Underway Draft Completed					
8. CD District setbacks for single lot redevelopment	Medium					
9. Commence scoping exercise for review/update of the Banff Community Plan	Low					
10. Business License Bylaw Review and Update	Low					
11. Off-Site Levies Bylaw Review and Update	Low					
12. Policy for encroachment on Town of Banff owned lands	Low					