

**Cannabis Control Committee
Town of Pelham**

**Minutes of Meeting
Wednesday, August 21, 2019 - 5:00 p.m.
Town Hall, Council Chambers - 20 Pelham Town Square, Fonthill**

PRESENT: Mike Ciolfi, Councillor - Town of Pelham
Tim Nohara (**Chair**)
Carla Baxter
Jim Steele
Bill Heska
Jim Jeffs
Barbara Wiens, Director, Community Planning & Development - Town of Pelham
Shannon Larocque, Senior Planner, Community Planning & Development-Town of Pelham
Jodi Legros, Administrative Assistant, Community Planning & Development-Town of Pelham
(**Secretary**)

REGRETS: Louis Damm, John Langendoen & David Cribbs

1. Declaration of Quorum

Chair declared quorum at 5:08 pm.

2. Approve Agenda

Moved by C. Baxter, seconded by J. Steele that the agenda of August 21 be approved, as amended.

Carried.

3. Approve Minutes of August 7 and August 14, 2019

Moved by C. Baxter, seconded by J. Steele that the minutes of August 7 and August 14 be deferred to the next meeting date of August 28, 2019.

Carried.

4. Due to discussion relating to the public meeting, the Agenda Items (i.e. the drafts of the staff-proposed Fence By-law, Fortification By-law, Nuisance By-law, Zoning By-law amendment and Official Plan amendment) were not discussed at this meeting.

J. Jeffs noted that getting the collection of above documents the day before the meeting isn't helpful for review. S. Laroque indicated that we can simply receive the documents as information and review subsequently. In this case, these documents were fresh off the press.

T. Nohara inquired from Nancy Bozzato, Clerk if there was a policy concerning the release of the Committee's working documents to others outside of the Committee, since our meetings are public and these documents are discussed at our meetings. N. Bozzato confirmed if there was an issue relating to same it could be referred to her and noted that the Committee's work has not been endorsed by Council and are considered Town records. She noted that working documents do not need to be disclosed.

2

Discussion took place relating to the release of draft documents for the public meeting scheduled for September 10th at 5:30 pm. B. Wiens confirmed the time of the meeting is set by council following the procedural by-law. The purpose of the meeting is to allow the public to have input. The documents are watermarked as draft and are not final. B. Wiens confirmed that no recommendation will be put forward by staff on the draft documents at the September 10th public meeting. The draft documents can be amended after the meeting. The draft documents were also circulated to the agencies for feedback and input. The cannabis producers were also notified of the public meeting.

J. Jeffs expressed concern over the time of the public meeting at 5:30 pm, which would make it very difficult to get people out. M. Ciolfi asked if the time could be changed. N. Bozzato confirmed at this stage, due to notice requirements, it could not. N. Bozzato confirmed the start time was in keeping with the Council's procedural bylaw.

T. Nohara and other committee members voiced their frustrations to B. Wiens and S. Larocque with the release of draft by-laws to the public and staff's positioning that they may bring a revised regulatory package to Council for a vote on September 23rd without the Cannabis Control Committee on board. B. Heska noted that in the public announcement and materials prepared by staff, the Committee isn't even acknowledged in any way. B. Wiens confirmed that council directed the public meeting be held and staff are following Council direction. Further, the draft Zoning By-Law Amendment and draft Official Plan Amendment must be made available.

T. Nohara inquired if staff will be recommending to not extend the interim control by-law at the September 23rd Council meeting. B. Wiens indicated that staff have not taken a position and are waiting for the input received from the public and agencies before being able to determine what a recommendation may be. B. Wiens confirmed that the only date that staff currently have and that they are working towards is the expiration of the interim control by-law in October and that is why draft by-laws were prepared. Staff are following Council's direction.

B. Wiens and S. Larocque both confirmed that the Town will note at the public meeting that the draft documents are provided by the Town and not by the Committee. T. Nohara noted that Committee members may also speak at the public meeting. He noted that the Committee has much more work to be completed before any decisions should be made by Council.

T. Nohara noted that the Committee will be making its own presentation to Council for the September 23rd meeting.

A lively discussion took place among Committee members regarding staff's proposed 150m setback. M. Ciolfi indicated he has been getting a lot of complaints with people unhappy about the 150m. B. Wiens and S. Larocque indicated that they have not been receiving any communications.

T. Nohara shared with the Committee the mapping of residential properties within 150m and 300m of the CannTrust and RedeCan sites on Balfour Street and Foss Road generated by staff. He pointed out that 150m doesn't meet the sniff test. For example, if Redecan applied to locate on the same property, the 150m wouldn't prevent it, notwithstanding the vast number of complaints and adverse impacts it is having. J. Steele and others indicated that they fully agreed.

B. Wiens and S. Larocque advised that the draft by-laws are tools to better manage cannabis operations. M. Ciolfi requested that the next two committee meetings focus on the documents and what will be presented at the public meeting.

5. **Motion by T. Nohara**

T. Nohara presented a motion that he drafted for the Committee's consideration. The Committee discussed several amendments to the motion which are included in the text below.

Whereas the Cannabis Control Committee (CCC) has been tirelessly carrying out its work to develop and recommend a suite of control measures to mitigate the adverse impact of cannabis production facilities (CPFs) on residents, based on good planning justification; and Whereas the CCC, on 15 July 2019, sought a one-year extension to the Interim Control By-Law (ICBL) from Council to afford the CCC the time to get the job done right; and

Whereas, upon advice of the Town to avoid the appearance of acting in bad faith, Council deferred approving the one-year extension until 23 September 2019; and

Whereas in the meantime, the Town would endeavour to hold a Public Meeting to present a few initial control measures to the community and solicit feedback from residents; and

Whereas the Town has set 10 September 2019 for the Public Meeting, and has been drafting resolutions associated with a few new by-laws and amendments to our existing Zoning By-law and Official Plan; and

Whereas the CCC has been working in good faith with the Town to provide feedback to the Town on its initial set of proposed measures, and has raised serious concerns to the Town about some of those measures, including setbacks and zoning for new CPFs, which require much more work and time on the part of the CCC and staff to get them right so they actually work as desired, and which directly impact amendments to the Zoning By-Law and Official Plan; and

Whereas the CCC believes that it is reckless and can result in legal consequences for the Town if Council hurriedly adopt specified values for measures including minimum setbacks (e.g. 150 m) and the zones/areas in the Town where new CPFs will be authorized to locate in order to meet the ICBL deadline in October 2019, when our work has already shown that there is a likelihood that such measures will have to be made more stringent thereafter following completion of the CCC's work, in order to mitigate the known adverse impacts; and

Whereas, the CCC believes that it is likely that the Town will present a complete set of cannabis regulations to Council on 23 September 2019 and may further recommend against extending the ICBL; and

Whereas the CCC believes that it may strongly disagree with some provisions proposed by the Town and may wish to recommend alternative or additional measures that Council should have the CCC develop which would require an extension to the ICBL;

7

Now therefore, the CCC resolves that:

1. *It can not and does not support the collection of amendments and new by-laws that staff are proposing to present at the Public Meeting on September 10, 2019, as published on the Town web-site as of this date;*
2. *It urges staff not to specify any minimum threshold for parameters such as setbacks and not to specify the zones where new CPFs will be authorized to locate in the Town as recommendations to Council before the work of the CCC is complete.*

Moved by C. Baxter, seconded by J. Steele that the motion as presented by T. Nohara, as amended above, be approved and forwarded to Council.

6. **Next meeting:** August 28, 2019 at 5:00 pm – Fire Station 1, 177 Highway 20 W.

7. **Items for Discussion at Next Meeting**

Draft By-laws to be reviewed at the next meeting.

8. **Adjournment:**

Moved by C. Baxter, seconded by J. Jeffs that the meeting be adjourned.

The meeting adjourned at approximately 7:17 p.m.

Carried.

Signed by:

Edited by: 
Tim Nohara (Chair)


Prepared by: Jodi Legros, Administrative Assistant
Community Planning & Development-Town of Pelham