

Minutes of the Public Hearing held on July 23, 2019 at 7:06 p.m. regarding Conditional Use C8-19; an application from Stephanie White to allow for a homebased spray tan salon business on Lot 137, Plan 47826, civically known as 23 Kipling Lane. The proposal was duly advertised as per Section 169 of *The Planning Act*. Mayor Myron Dyck served as chairperson, with Deputy Mayor John Funk and Councillors Kevin Stott, Chris Wiebe and Nathan Dueck in attendance.

Ms. White noted she wanted to open a homebased spray tan salon business.

Deputy Mayor John Funk asked about parking arrangements.

Ms. White noted that there was street parking available and that she would only be having 1 customer at a time, with hours of operation as 6 p.m. – 10 p.m. weekdays and 11 a.m. to 5 p.m. on Saturday.

There was no opposition received to the proposal.

The Public Hearing was closed at 7:08 p.m.

Minutes of the Public Hearing held on July 23, 2019 at 7:14 p.m. regarding Conditional Use C10-19; an application from Stephanie Enns to allow for a homebased massage therapy business on Lot 11, Block 6, Plan 19956, civically known as Unit 22, 79 4th Avenue S. The proposal was duly advertised as per Section 169 of *The Planning Act*. Mayor Myron Dyck served as chairperson, with Deputy Mayor John Funk and Councillors Kevin Stott, Chris Wiebe and Nathan Dueck in attendance.

Ms. Enns provided an overview of her business proposal, noting the following:

- Approval has been received from the property manager
- Fully licensed
- Insured
- Landscaping on the property is complete
- Appointments would be staggered with a ½ hour lag time
- She would be parking in her garage and her client would park in her parking stall
- Hours of operation would include 9 a.m. to 7 p.m. Monday to Friday.

Councillor Dueck questioned the applicant on the proposed business hours, as to whether she would like to add Saturday hours as well.

Ms. Enns amended the request for her hours of operation to be weekdays from 9 a.m. to 9 p.m. and Saturday 10 a.m. to 6 p.m.

There were 2 residents who noted their opposition to the proposal.

The Public Hearing was closed at 7:18 p.m.

Minutes of the Public Hearing held on July 23, 2019 at 7:28 p.m. regarding Conditional Use C9-19; an application from Canna Cabana Inc. to allow for a retail cannabis store at Lot 7 Block 2 Plan 23182, civically known as 349 Bronstone Drive. The proposal was duly advertised as per Section 169 of *The Planning Act*. Mayor Myron Dyck served as chairperson, with Deputy Mayor John Funk and Councillors Kevin Stott, Chris Wiebe and Nathan Dueck in attendance.

Mayor Dyck opened the hearing noting that the topic of cannabis is one to which there appears to be two more prominent viewpoints; namely those who have been helped by the product and have

good stories to tell of its use and how instead of having to take pharmaceutical products that cause damage to internal organs, users have a plant based product to help ease their pain in hips, joints and other areas. The second point was that others are concerned about the harm that cannabis can cause and has caused, how it can lead and has led to harder drugs, addictions and the loss of one's soul and even one's life. This viewpoint is from the perspective of trying to save people from a life of addiction and harm.

Mayor Dyck stated that the purpose of today's hearing was to deal with whether the business has the legal right to operate in Niverville or not, and while the ethical, moral, social and physiological elements of what is proposed to be sold is what many are here to speak to, the only decision Council is making today is whether the company has the legal right to operate in the location they have selected. He also noted that because so many have said they wish to speak about cannabis, that those points would be allowed to be made during the course of the Public Hearing.

Mayor Dyck noted the procedural guidelines for the Public Hearing.

Bradley Schmaltz, Policy Analyst for Canna Cabana Inc., provided an overview of the business proposal. His PowerPoint presentation highlighted the following:

- Who the company is
- Company experience in the business
- Company knowledge in the business
- Commitment to community
- Pictures of what a retail store looks like
- Safety measures
- Cannabis opportunity
 - o Safe consumption & crime reduction
 - o Budding industry
 - o Economic Benefit
- Membership in the Niverville Chamber of Commerce
- Cooperation with local law enforcement for public cannabis education
- Support of local business with respect to working relationships
- In line with Niverville's Economic Growth Strategy (January 2018)
- Site plan for 349 Bronstone Drive store.

Councillor Wiebe questioned the use of outdoor cameras and security provisions for the exterior of the building. He also noted concerns for the behaviour of local youth who hang out in the wooded area behind 293 Main Street, and for what happens if/when a minor walks into the building.

Mr. Schmaltz responded that there were no plans for exterior cameras at this time and the vestibule is where those entering get carded, and that all product is packaged and not for use while in the store.

Councillor Stott questioned how this store reduced teenage use of the product.

Mr. Schmaltz responded that teenage use is reduced by (underage) teenagers not being able to enter the store; reduces the illicit market.

CAO Eric King asked about the timeline for opening, number of jobs this would create and hours of operation.

Mr. Schmaltz responded mid October and noted that this store would create 4-10 jobs. The hours of operation required by the Province were a minimum of 8 hours per day, with

operational hours between 8 a.m. to 12 p.m. unless specified by the local municipality. Mr. Schmaltz noted that the company was open to working with the Town on the hours of operation.

Councillor Dueck asked whether there were any incidents (break and enter/theft) and whether the washrooms were open to the public.

Mr. Schmaltz noted that there were no incidents and that the company has passed all required inspections. He was unsure of whether the washrooms would be open to the public.

Dr. Chris Burnett of 207 Carnoustie Cove, questioned if this was a fit for Niverville, our future, the Community Resource Centre plan and Council's healthy living plan. As a physician in Town who prescribes cannabis, he commented that its "what you don't know that you don't know that will hurt you". Dr. Burnett said that with this business in Town, you will find more experimentation and went on to comment on medical reasons for the use of cannabis and the negative short term and long term effects of the product, as posted on the Health Canada website, noting that youth (under age 25) are especially vulnerable. He also commented that while this product is endorsed by government, there is a potential for lawsuits in the future and that we don't know the long-term effects. Dr. Burnett asked for Council's consideration of these factors.

Councillor Stott asked for clarification as to the definition of frequent users.

Dr. Burnett responded that Health Canada defined this as daily or weekly.

Councillor Wiebe asked what Health Canada reported on the use of alcohol.

Dr. Burnett noted that alcohol use is linked with psychosis, epilepsy and cancer.

Deputy Mayor John Funk asked about the dangers of prescribed drugs.

Dr. Burnett responded that with prescribed medication, that 100 chemicals come to mind which have been tested and the government regulates this so that there is no negative effect.

Graham Beer of 450 5th Avenue S. questioned whether we wanted to grant access of the store to our community, resulting in someone or somethings demise. Mr. Beer noted a personal connection, as he has a family member involved in the drug lifestyle, who has made a comment "don't let anyone tell you that marijuana is not a gateway drug, it will lead to harder drugs, and those drugs lead to greater consequences". He commented that in his profession as a pastor, he has seen that drug use has started with marijuana and that those whom he spoke to did not see marijuana as a good decision. Mr. Beer stated said that the question for tonight that we all need to ask ourselves is not is this best for me, rather what is best for our community and those whom we call our neighbours. It is about protecting our children, a decision that we can control; we have the opportunity to make wise and discerning decisions not to make marijuana available to our community. He went on to say that if a disaster should happen in our community while someone was under the influence, we would experience great regret and even ask the question "what if". Mr. Beer understood that people could get their marijuana elsewhere than in the community and still lead to something unfortunate happening, to which his response is then let them get their marijuana somewhere else. He suggested that we do what we can to prevent our own culpability. Mr. Beer also questioned Council to consider aside from revenue, what benefits or productive action does this present to the community.

Peter Braun of 165 Church Street agreed with the information that was shared and believed that this decision will make a statement that if government says it is "right", that it is "right" and that the assumption is there that there are no moral issues. Mr. Braun noted that while we try to protect the rights of citizens, he agreed with earlier presenters who said that if people who want

to access marijuana that it is their choice. He also commented that we must do what we can to stop this, as we are making a decision based on the fact that others say we are having this in Town.

John Hiebert of 81 Maplewood Crescent noted that his points had already been made.

Daniel Wiebe of 102-400 Prairie Trail noted that The Planning Act states that a conditional use can only be approved if it is not detrimental to the health and general welfare of the people living or working in the surrounding area, so in Council's decision, Council can only approve the application if Council feels this will not be detrimental to health or the general welfare of the people living or working in the surrounding area. Mr. Wiebe also commented that he had looked up the negative affects on the Health Canada website as noted by others previously.

Ryan Dyck of 7 Linden Place said that it was his job to protect his daughters and referenced a Biblical verse that speaks to loving your neighbour, meaning that everyone you come into contact with is your neighbour. He also posed a scenario where a 13 or 14 year old would come up to you and say that they have decided to use pot – would you say “well done” to this, encourage this and promote this? Mr. Dyck stated that this would be a negative experience if one was honest, and commented that if this isn't something you would want for your kids, why would you want it for anyone else? Mr. Dyck also noted that other items from developers are denied if they don't fit within the community, so why would Council allow this.

Ewald Kasdorf of Tourond (RM of Hanover) questioned the Mayor's opening comments of the legal rights to open the business and asked if presentations have any value.

Mayor Dyck responded that this is a decision of Council.

Mr. Kasdorf noted that he was here on behalf of his grandchildren and their children, citing that it was incumbent to make wise decisions on what the next generation needs, which is a family friendly environment. Mr. Kasdorf went on to address Council as Dads and Grandpas, noting that this proposal does not invite a better standard of living. He also noted that heartbreak had not changed after the drug became legal and it still has a burden on communities. Mr. Kasdorf said that cannabis is known as gateway drug and asked whether we were going to accommodate the desires of adults or protect families. Mr. Kasdorf asked for the application to be denied, as revenue generated and benefits to government coffers should never be seen as a benefit.

Dan Klippenstein of 19113 PR 311 (RM of Hanover) voiced his opposition to the proposal. Mr. Klippenstein asked what draws people to Niverville and suggested it was the absence of big city vices. He also noted Niverville's 2020 Strategic Planning Goals and questioned how this proposal fit into the Town's vision and goals, and how this would help attract newcomers to the community. He suggested that while this is a business decision, that Council should see this as more than this and market Niverville as safe community, looking after mind, body and spirit. Mr. Klippenstein went on to quote the Town's vision and noted that this product opens doors that are more harmful, which he has heard directly from friends who have been involved.

Linda Klippenstein of 19113 PR 311 (RM of Hanover) noted her objection.

Jacob Doerksen of 107 Spruce Drive commented that this (legalization of cannabis) has not done anything to stop the spread of drugs. He also commented that government needs to put laws in place to empower police to stop this.

Crystal Stott of 100 5th Avenue S. commented that people came to speak to the ethical/moral side rather than the legal side. Ms. Stott questioned what the legal requirements were and whether or not this proposal met those requirements. She also noted that the concerns raised this evening

were the same concerns that were raised when liquor came to Town. Ms. Stott spoke to the comment raised earlier about cannabis being a gateway drug and noted that studies have disputed this, quoting from the National Institute of Drug Abuse. She also advised that drugs carry the same warnings as antidepressants and other pharmaceuticals, which have been around less time than cannabis and more money has been spent researching these drugs. Ms. Stott commented that this is a natural product and people shouldn't judge those who choose to use a natural product versus one that is manufactured, and that the majority of users do not go on to use other products. She went on to note that social environment and other circumstances factor into drug abuse, and there are examples of others using it responsibly. Ms. Stott commented that the hearing was about the legality of the location and whether or not the business met those standards.

Gordon Kroeker, director of the Corner Stone Youth Drop In Centre at 289 Main Street, questioned whether the Town had the right to stop this decision. He noted a concern for the legality of the location with respect to the setback required for the Drop In centre. Mr. Kroeker commented that the proposed dispensary is located nearby to a property that has a convenient location for consumption. He also commented on the cost of drug habits, which often attack the underprivileged and disadvantaged, who are destroyed by this drug, even though some (middle class) who use it are fine. He went on to note that young adults can't afford food because their money goes to drugs and the personal cost to them is that they hate their lives. Mr. Kroeker also reported on the negative impact that the death of a local teacher, who died because of others using drugs, had on the local school. He noted that there will still be dealers and that marijuana is still a path to destruction. Mr. Kroeker acknowledged that while there are a lot of positives, there is also a cost associated with drug usage.

Dwight Doell of 211 Carnoustie Cove, noted 3 risks of this proposal, namely:

- 1) medical
- 2) police – will there be a need for more policing?
- 3) high school – concern for impact

and questioned whether a risk assessment had been done for these. Mr. Doell also commented that he had visited the Canna Cabana website and questioned why 18 year olds were allowed to use the site. He also commented that from what he viewed on the website, the window treatment did not hide the interior view from the exterior. Mr. Doell also asked about the marketing side of the business and how if a certain product was not moving off the shelf, what kind of promotions would be done. Mr. Doell suggested that profits could be directed to extra policing or treatment centres, and also asked whether there was a risk assessment done on legal liability.

Councillor Stott asked Mr. Doell if he would follow the advice of lawyers.

Mr. Doell responded that he would make an informed decision, and legal advice would provide a range.

Councillor Dueck commented as to the liability of Town with respect to other items sold such as cigarettes, cola and alcohol, many things that our society does that is not healthy and that if the Town is liable for these than we are too late.

Mr. Doell responded that marijuana is different than most products and the first-time use can be lethal.

Noella Rudge of Ile Des Chenes asked if Council had the legal authority to say no, if the Town deemed a substance negative for the community, and whether we had the right to say no before this hearing. She also asked whether Council was prepared for all the lawsuits that would be forthcoming if they approved this proposal.

Peter Hiebert of 200 2nd Avenue S. noted that the meeting was about the legal right, while the concern is ethical/moral. Mr. Hiebert appealed to Council's conscience to decide and expressed his appreciation regarding the Mayor's opening remarks. He also commented that he had concerns about this thing happening.

Mr. Schmaltz followed up on the comment that this is a gateway drug by noting that when you are dealing with the black market, those dealers have a motive to sell (drugs) beyond marijuana, as opposed to Canna Cabana, whose only product is cannabis and operate under strict regulations.

Councillor Dueck questioned whether there were any existing lawsuits in Canada.

Mr. Schmaltz responded that there was no precedent set yet.

Councillor Wiebe posed a scenario where a customer comes in weekly and questioned how much product they would be allowed to purchase.

Mr. Schmaltz responded that there is a 30 gram per week limit and the purchase is tracked through a computer system.

Councillor Wiebe asked whether the police checked up on the purchase records.

Mr. Schmaltz noted that the company needs to submit a compliance report.

Councillor Wiebe expressed concern with the quantity that one would be able to purchase - would someone be able to become a supplier.

Mr. Schmaltz noted that there was no law requiring the company to report customers who were buying over the regulated quantity.

Councillor Stott asked whether the computer tracking systems were interconnected between all stores, so as to regulate the amount purchased.

Mr. Schmaltz was unable to respond to Councillor Stott's question on the interconnectedness of computer tracking systems between stores.

Councillor Stott asked whether a customer could purchase a month's supply in a week.

Mr. Schmaltz confirmed that a customer could purchase 30 grams in a week, which would be a monthly supply.

The Public Hearing was closed at 9:08 p.m.

The Public Hearing for Conditional Use C9-19; an application from Canna Cabana Inc. to allow for a retail cannabis store at Lot 7 Block 2 Plan 23182, civically known as 349 Bronstone Drive was re-opened at 9:14 p.m.

Mayor Dyck read the correspondence received from residents in advance of the hearing, namely:

- Guy & Linda Roy 227 1st Street N. – in favour
- Jazmin Dobson 82 First Street S. – in favour
- Jak Woolgar 100 5th Avenue S. – in favour
- Madisson Stott 100 5th Avenue S. – in favour
- Beverly Allen 114 5th Avenue S. – in favour

The hearing was closed at 9:16 p.m.