



SPECIAL GENERAL ISSUES COMMITTEE REPORT 18-023

9:30 a.m.

Tuesday, December 18, 2018

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Mayor F. Eisenberger, Deputy Mayor J. Farr (Chair)
Councillors M. Wilson, N. Nann, S. Merulla, C. Collins, T. Jackson,
E. Pauls, J. P. Danko, B. Clark, M. Pearson, L. Ferguson,
A. VanderBeek, T. Whitehead, J. Partridge

**Absent with
Regrets:** Councillor B. Johnson – Personal

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 18-023 AND RESPECTFULLY RECOMMENDS:

1. Dispensaries for Recreational Cannabis Retail Sale (Item 11.1)

That the Motion, respecting Dispensaries for Recreational Cannabis Sale, be referred to the January 14, 2019, Special Council meeting for consideration, with the following direction:

- (a) That, in order to obtain an accurate assessment of Police costs, the Hamilton Police Services Board be requested to calculate current cannabis related costs and the estimated, future cannabis related costs, and provide the cost differential to Council at its meeting of January 14, 2019; and,
- (b) That staff be directed to place both Report PED18249, respecting Cannabis Provincial Legislation; and, the motion respecting Opting-Out of Dispensaries for Recreational Cannabis Retail Sale, which reads as follows, on the City's website with a poll to ask the community-at-large if they prefer to Opt-In or Opt-Out of Cannabis Retail locations in the city of Hamilton:

WHEREAS, the Province of Ontario has, through their constitutional authority under the federation of Canada, pursued the legalization of recreational cannabis use in Ontario;

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WHEREAS, the social costs have been established by the City of Hamilton and Hamilton Police Services;

WHEREAS, the legalization of cannabis in Ontario will increase revenue significantly to the Province of Ontario;

WHEREAS, nearly half of the City of Hamilton's operating budget is dedicated to provincially mandated programs, with little or no authority from Council; and,

WHEREAS, a lack of sustainable revenue-sharing from the Province of Ontario related to the retail sale of cannabis to municipalities will amplify the regressive downloading crisis in Hamilton;

THEREFORE, BE IT RESOLVED:

- (a) That cannabis retail stores not be permitted to operate in the City of Hamilton, in accordance with the *Cannabis Licence Act, 2018*;
- (b) That the City Manager be directed to provide written notice, prior to January 22, 2019, to the Registrar no later than three business days after the resolution is passed and, not later than January 22, 2019, to advise that the City of Hamilton will not permit cannabis retail stores in Hamilton;
- (c) That the estimated first phase of funding, in the amount of \$574,493, to be funded from the Ontario Cannabis Legalization Implementation Fund for costs that directly relate to the legalization of recreational cannabis, be allocated as outlined in Appendix "A" attached hereto;
- (d) That Council reaffirm its request to the Hamilton Police Services Board that Hamilton Police Service continue to aggressively close down all illegal cannabis dispensaries located within the city of Hamilton;
- (e) That the Mayor write to the Premier of Ontario, appropriate Ministers, and the Association of Municipalities of Ontario to communicate that it is the City's position that the Province's approach to the regulation of private cannabis retail stores in Ontario must ensure that municipalities have the ability to regulate the following in a manner that is appropriate to the municipality:
 - (i) separation distances from sensitive uses such as parks, schools, day care and health care facilities;
 - (ii) over-concentration of dispensaries in one area of the city;

- (iii) the total number of dispensaries city-wide and within particular areas of the city;
- (iv) general issues of urban design such as location of entrances and transparency of facades;
- (v) advertising and signage;
- (vi) hours of operation;
- (vii) property standards compliance; and,
- (viii) the ability to restrict or prohibit operations that routinely violate municipal standards such as noise, nuisance or property standards.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

The Committee Clerk advised of the following changes to the agenda:

1. COMMUNICATIONS (Item 5)

- 5.3 Correspondence from St. Jean de Brebeuf Catholic Secondary School, respecting concerns regarding the impact of legalized cannabis retail locations within Hamilton.
- 5.4 Correspondence from John Mutton, President and Chief Executive Officer, Municipal Solutions on behalf of the Cannapiece Corporation, respecting Health Canada approved medicinal health clinics with medical practitioners on site.
- 5.5 Correspondence from Jenna Valleriani, British Columbia on Substance Use, Faculty of Medicine, University of British Columbia, respecting cannabis retail.

Jenna's flight from BC was delayed and she is unable to attend this morning's meeting; however, she has sent correspondence instead, which is has been added as Item 5.5.

2. DELEGATION REQUESTS (Item 6)

- 6.5 Kim Wright, Hill + Knowlton Strategies, respecting retail cannabis.
- 6.6 Ziad Reda and Dr. Rana Harb, respecting reasons why private retail cannabis stores are beneficial for Hamilton's economy.
- 6.7 Jenna Valleriani, British Columbia on Substance Use, Faculty of Medicine, University of British Columbia, respecting cannabis retail.
- This request has been withdrawn and correspondence has been provided. (See Item 5.5).
- 6.8 Loren Lieberman, regarding cannabis retail from a Hamilton perspective.
- 6.9 Hilton Silberg, Interested Retail Licensee

3. STAFF PRESENTATIONS (Item 9)

Item 9.1 will be moved up on the agenda to be heard immediately after the Declarations of Interest.

4. DISCUSSION ITEMS (Item 10)

As there is a presentation to accompany Report PED18249, respecting Dispensaries for Recreational Cannabis Retail, Item 10.1 has been moved to Item 9.1.

The agenda for the December 18, 2018 Special General Issues Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) COMMUNICATIONS (Item 5)

The following items of communication, shown below as Items 5.1 to 5.5, were received:

- (i) Correspondence from the Honourable Vic Fedeli, Minister of Finance, respecting the Ontario Legislation Implementation Fund (OCLIF), November 20, 2018 (Item 5.1)
- (ii) Correspondence from the Hamilton-Wentworth Catholic District School Board, respecting Cannabis Store Locations and Buffer Zones to Schools, November 21, 2018 (Item 5.2)
- (iii) Correspondence from St. Jean de Brebeuf Catholic Secondary School, respecting concerns regarding the impact of legalized cannabis retail locations within Hamilton. (Item 5.3)
- (iv) Correspondence from John Mutton, President and Chief Executive Officer, Municipal Solutions on behalf of the Cannapiece Corporation, respecting Health Canada approved medicinal health clinics with medical practitioners on site. (Item 5.4)
- (v) Correspondence from Jenna Valleriani, British Columbia on Substance Use, Faculty of Medicine, University of British Columbia, respecting cannabis retail. (Item 5.5)

(d) PUBLIC HEARINGS / DELEGATION REQUESTS (Item 6)

The delegation requests, shown below as Items 6.1 to 6.6, 6.8 and 6.9, were approved to appear before the Special General Issues Committee on December 18, 2018:

- (i) Clayton McCann, Department of Anthropology, McMaster University, respecting Concern for Workers in Illicit Cannabis Dispensaries (Item 6.1)
- (ii) Clint Younge, respecting Opting-In on Cannabis Legislation from a Retail Perspective (Item 6.2)
- (iii) Britney Guerra, respecting Cannabis Retail (Item 6.3)
- (iv) Keanin Loomis, President & CEO, Hamilton Chamber of Commerce, respecting a business case on the question of whether physical cannabis retail stores should be permitted in Hamilton (Item 6.4)
- (v) Kim Wright, Hill + Knowlton Strategies, respecting retail cannabis (Item 6.5)

- (vi) Ziad Reda and Dr. Rana Harb, respecting reasons why private retail cannabis stores are beneficial for Hamilton's economy (Item 6.6)
- (vii) Loren Lieberman, regarding cannabis retail from a Hamilton perspective (Item 6.8)
- (viii) Hilton Silberg, Interested Retail Licensee (Item 6.9)

(e) PUBLIC HEARINGS / DELEGATIONS (Item 8)

- (i) Clayton McCann, Department of Anthropology, McMaster University, respecting Concern for Workers in Illicit Cannabis Dispensaries (Item 8.1)**

Clayton McCann, Department of Anthropology, McMaster University, addressed Committee respecting concern for workers in illicit cannabis dispensaries.

The presentation provided by Clayton McCann, Department of Anthropology, McMaster University, respecting concern for workers in illicit cannabis dispensaries, was received.

- (ii) Clint Young, respecting Opting-In on Cannabis Legislation from a Retail Perspective (Item 8.2)**

Mr. Young withdrew his request.

- (iii) Britney Guerra, respecting Cannabis Retail (Item 8.3)**

Britney Guerra, addressed Committee respecting cannabis retail.

The presentation provided by Britney Guerra, respecting Cannabis Retail, was received.

A copy of the presentation is available on the City's website at www.hamilton.ca or through the Office of the City Clerk.

- (iv) **Keanin Loomis, President & CEO, Hamilton Chamber of Commerce, respecting a business case on the question of whether physical cannabis retail stores should be permitted in Hamilton (Item 8.4)**

Keanin Loomis, President & CEO, Hamilton Chamber of Commerce, addressed Committee respecting a business case on the question of whether physical cannabis retail stores should be permitted in Hamilton.

The presentation provided by Keanin Loomis, President & CEO, Hamilton Chamber of Commerce, respecting a business case on the question of whether physical cannabis retail stores should be permitted in Hamilton, was received.

A copy of the presentation is available on the City's website at www.hamilton.ca or through the Office of the City Clerk.

- (v) **Kim Wright, Hill + Knowlton Strategies, respecting retail cannabis (Item 8.5)**

Kim Wright, Hill + Knowlton Strategies, addressed Committee respecting retail cannabis.

The presentation provided by Kim Wright, Hill + Knowlton Strategies, respecting retail cannabis, was received.

A copy of the presentation is available on the City's website at www.hamilton.ca or through the Office of the City Clerk.

- (vi) **Ziad Reda and Dr. Rana Harb, respecting Reasons Why Private Retail Cannabis Stores are Beneficial for Hamilton's Economy (Item 8.6)**

Ziad Reda and Dr. Rana Harb, addressed Committee respecting reasons why private retail cannabis stores are beneficial for Hamilton's economy.

The presentation provided by Ziad Reda and Dr. Rana Harb, respecting reasons why private retail cannabis stores are beneficial for Hamilton's economy, was received.

- (vii) **Jenna Valleriani, British Columbia on Substance Use, Faculty of Medicine, University of British Columbia, respecting cannabis retail (Item 6.7)**

This request was withdrawn, and correspondence was provided (See Item 5.5).

(viii) Loren Lieberman, regarding Cannabis Retail from a Hamilton Perspective (Item 8.8)

Loren Lieberman, addressed Committee respecting cannabis retail from a Hamilton perspective.

The presentation provided by Loren Lieberman, regarding cannabis retail from a Hamilton perspective, was received.

(ix) Hilton Silberg, Interested Retail Licensee (Item 8.9)

Hilton Silberg, Interested Retail Licensee, addressed Committee respecting cannabis retail.

The presentation provided by Hilton Silberg, interested retail licensee, respecting cannabis retail, was received.

(f) STAFF PRESENTATIONS (Item 9)

(i) Cannabis Provincial Legislation (PED18249) (City Wide) (Item 9.1)

Jason Thorne, General Manager of the Planning & Economic Development Department, addressed Committee and provided an overview of Report PED18249, respecting Cannabis Provincial Legislation.

The presentation respecting Report PED18249, respecting Cannabis Provincial Legislation, was received.

That Report PED18249, respecting Cannabis Provincial Legislation, be referred to the January 14, 2019 Special Council meeting for consideration.

The referral motion above was DEFEATED on the following Standing Recorded Vote:

Yeas:	Eisenberger, Pauls, Farr, Clark, VanderBeek, Whitehead
Total:	6
Nays:	Merulla, Collins, Jackson, Wilson, Danko, Ferguson, Pearson
Total:	7
Absent:	Johnson, Partridge, Nann
Total:	3

- (a) That Cannabis Retail Stores be permitted to operate in the City of Hamilton, in accordance with the *Cannabis Licence Act*, 2018;
- (b) That the City Manager be directed to provide written notice, prior to January 22, 2019, to the Alcohol and Gaming Commission of Ontario (AGCO) to advise that the City of Hamilton will permit Cannabis Retail Stores in Hamilton;
- (c) That the City of Hamilton Cannabis Policy Statement, attached as Appendix "A" to Report PED18249, be approved;
- (d) That the Mayor submits the City of Hamilton Cannabis Policy Statement to the Province of Ontario along with a request that it be used to guide the Province in making decisions on the approval of cannabis licences in the City of Hamilton;
- (e) That the Director of Licensing and By-law Services or their designate be delegated the authority, on behalf of the City, to provide written submissions upon request of the Registrar as to whether the issuance of a retail store authorization is in the public interest, having regard to the needs and wishes of the residents, and that the Director of Licensing and By-law Services be guided in the exercise of this authority by the City of Hamilton Cannabis Policy Statement, attached as Appendix "A" to Report PED18249;
- (f) That the estimated first phase of funding, in the amount of \$574,493, to be funded from the Ontario Cannabis Legalization Implementation Fund for costs that directly relate to the legalization of recreational cannabis be allocated as outlined in Appendix "B" to Report PED18249;
- (g) That staff be directed to report back to the General Issues Committee once the second phase of funding, under the Ontario Cannabis Legalization Implementation Fund, is announced with recommendations on how the funds should be allocated; and,
- (h) That the item respecting Private Retail Cannabis Stores be identified as complete and removed from the Planning Committee's Outstanding Business List.

The staff recommendations in Report PED18249, respecting Cannabis Provincial Legislation, as outlined above, were DEFEATED, on the following Standing Recorded Vote:

Yeas: Clark, VanderBeek, Whitehead, Eisenberger, Farr, Wilson
Total: 6
Nays: Merulla, Collins, Jackson, Pauls, Danko, Ferguson, Pearson
Total: 7
Absent: Johnson, Partridge, Nann
Total: 3

(g) MOTIONS (Item 11)

(i) Dispensaries for Recreational Cannabis Retail Sale (Item 11.1)

WHEREAS, the Province of Ontario has, through their constitutional authority under the federation of Canada, pursued the legalization of recreational cannabis use in Ontario;

WHEREAS, the social costs have been established by the City of Hamilton and Hamilton Police Services;

WHEREAS, the legalization of cannabis in Ontario will increase revenue significantly to the Province of Ontario;

WHEREAS, nearly half of the City of Hamilton's operating budget is dedicated to provincially mandated programs, with little or no authority from Council; and,

WHEREAS, a lack of sustainable revenue-sharing from the Province of Ontario related to the retail sale of cannabis to municipalities will amplify the regressive downloading crisis in Hamilton;

THEREFORE, BE IT RESOLVED:

- (a) That cannabis retail stores not be permitted to operate in the City of Hamilton, in accordance with the *Cannabis Licence Act*, 2018;
- (b) That the City Manager be directed to provide written notice, prior to January 22, 2019, to the Registrar no later than three business days after the resolution is passed and, not later than January 22, 2019, to advise that the City of Hamilton will not permit cannabis retail stores in Hamilton;
- (c) That the estimated first phase of funding, in the amount of \$574,493, to be funded from the Ontario Cannabis Legalization Implementation Fund for costs that directly relate to the legalization of recreational cannabis, be allocated as outlined in Appendix "A" attached hereto;

- (d) That Council reaffirm its request to the Hamilton Police Services Board that Hamilton Police Service aggressively close down all illegal cannabis dispensaries located within the city of Hamilton;
- (e) That the Mayor write to the Premier of Ontario, appropriate Ministers, and the Association of Municipalities of Ontario to communicate that it is the City's position that the Province's approach to the regulation of private cannabis retail stores in Ontario must ensure that municipalities have the ability to regulate the following in a manner that is appropriate to the municipality:
 - (i) separation distances from sensitive uses such as parks, schools, day care and health care facilities;
 - (ii) over-concentration of dispensaries in one area of the city;
 - (iii) the total number of dispensaries city-wide and within particular areas of the City;
 - (iv) general issues of urban design such as location of entrances and transparency of facades;
 - (v) advertising and signage;
 - (vi) hours of operation;
 - (vii) property standards compliance; and,
 - (viii) ability to restrict or prohibit operations that routinely violate municipal standards such as noise, nuisance or property standards.

For disposition of this matter, please refer to Item 1.

The referral Motion, shown as Item 1 above, CARRIED on the following Standing Recorded Vote:

Yeas:	Wilson, Pauls, Farr, Eisenberger, Whitehead, VanderBeek, Clark
Total:	7
Nays:	Merulla, Collins, Jackson, Danko, Ferguson, Pearson
Total:	6
Absent:	Johnson, Partridge, Nann
Total:	3

(h) ADJOURNMENT (Item 15)

There being no further business, the Special General Issues Committee adjourned at 5:28 p.m.

Respectfully submitted,

J. Farr, Deputy Mayor
Chair, General Issues Committee

Stephanie Paparella
Legislative Coordinator
Office of the City Clerk