

DISTRICT OF NEW HAZELTON
REGULAR MEETING OF COUNCIL

Monday, March 7, 2022
Council Chambers

Regular Meeting – 7:00 pm

(1) CALL TO ORDER:

(2) MINUTES:

- a) Accept minutes of the February 7, 2022 regular meeting

(3) PETITIONS & DELEGATIONS: None

(4) UNFINISHED BUSINESS:

- a) Misty River Community Arts Council Proposal for Rental Space Briefing Note

(5) CORRESPONDENCE: None

(6) REPORTS: None

(7) BYLAWS: None

(8) NEW BUSINESS:

a) Council Schedule:

- April 4 Regular Council Meeting
- April 20 Minister Cullen Visit - RBA
- April 25 Regular Council Meeting
- April 27-29 COFI, Councillor Burns Attending
- May 2 Regular Council Meeting
- May 3-6 NCLGA – Fort St. John

b) Cannabis Retail Store Application Briefing Note

c) Appointment to Variance Committee – R. McAfee Resignation

- Remaining committee members E. Sargent & S. McCrory

d) Appointment to Upper Skeena Recreation Center Advisory Committee (term expiring)

- Current Appointee P. Newbery

Adjournment

DISTRICT OF NEW HAZELTON
REGULAR COUNCIL MEETING
February 7, 2022
COUNCIL CHAMBERS

1) CALL TO ORDER: Meeting called to order at 7:00 pm

PRESENT: Councillor A. Berg
Councillor B. Henwood
Councillor G. Burns
Councillor J. Hobenshield
Councillor M. Weeber

REGRETS: Mayor G. Lowry
Councillor R. Sturney

STAFF PRESENT: W. Hunt

STAFF REGRETS: R. Carlé

2) MINUTES:

RESOLUTION 8088/22

MOVED & SECONDED

That, the minutes of the January 10, 2022 regular meeting be accepted as amended.

CARRIED

3) PETITIONS & DELEGATIONS: None

4) UNFINISHED BUSINESS:

a) Update on Templeman RAR – CAO Hunt

Our Remedial Action Resolution was granted by the Supreme Court of British Columbia to have the property demolished. Respondents have until March 1, 2022 to demolish the building or take out a permit to begin fixing up the property. After that date, the District has been given the authority to demolish the building. Costs will be borne by the District of New Hazelton.

b) Vaccine Mandate

RESOLUTION 8089/22

MOVED & SECONDED

That, the District of New Hazelton not pursue a vaccine mandate at this time. This action is to be reviewed in six months' time.

CARRIED

- c) Mistry River Community Arts Council

Due to staff issues in our office, staff was not able to prepare a briefing note on the proposal in time for this council meeting. The CAO will be meeting with the Chair of the MRCAC to discuss and a report will be brought forward to Council if progress has been made on a venture that works for all parties.

5) CORRESPONDENCE: None

6) REPORTS: None

7) BYLAWS:

- a) 2022-2026 Financial Plan Bylaw No. 364, 2022

RESOLUTION 8090/22

MOVED & SECONDED

That, the District of New Hazelton 2022-2026 Financial Plan Bylaw No 364, 2022 be adopted.

CARRIED

8) NEW BUSINESS:

- a) Meeting with MLA Nathan Cullen

Staff received a letter from MLA Cullen asking for a virtual meeting in the future to discuss the District's goals for the coming year and to address any concerns Council may have. Council asked Administration to respond requesting an in-person lunch meeting to discuss: Old Growth Forest Strategy, the Resource Benefits Alliance, and the state of the Province/area as viewed through his office.

- b) CAO Hunt provided an update on the new office building. We are still working on the deficiencies list before we have final occupancy and our one-year warranty period begins.
- c) Councillor Berg asked if the old ice rink had been taken down yet? It has not. It will be done as soon as time permits.
- d) Councillor Henwood asked to discuss the minutes and whether or not it would be possible to add more information on the official minutes.

10) ADJOURNMENT:

RESOLUTION 8091/22

MOVED & SECONDED

That, the meeting be adjourned 7:52 pm.

CARRIED

CERTIFIED CORRECT THIS

DAY OF

, 2022

CHIEF ADMINISTRATIVE OFFICER

MAYOR

BRIEFING NOTE

Prepared by: Wendy Hunt

February 25, 2022

Reason for Briefing Note:

Misty River Community Arts Council Proposal for Rental Space

Background:

Councillors Henwood and Hobenshield brought up a discussion in December regarding the Arts Council and the possibility of inviting them to move to New Hazelton. There was no decision made at the December meeting or clear direction to staff. At the January meeting, Councillor Hobenshield presented a one page synopsis highlighting the challenges currently being faced by the MRCAC and what the Arts Council brings to the community. Part of this synopsis was a request from Councillors Henwood and Hobenshield asking Council to give serious consideration to partnering with the MRCAC by providing them a space at the old office at a subsidized rent. At the time of presentation, staff had not had any discussions with the MRCAC Board of Directors regarding the possibility of this move nor did it have any indication of what the Arts Council was asking for in terms of a subsidy.

On January 12th, Wendy received a letter from Christine Anonuevo, President of the MRCAC asking for consideration from the District of New Hazelton to provide the Arts Council with the old office space at a rate of \$400.00/month for exclusive use of the space, all utilities, internet, and security systems that are already in place in the building. In addition to the regular services that the Arts Council already provides, the MRCAC offered to include changing the art pieces/show to display in the new office and a space for tourist information.

Update:

After the January meeting, Roger met with members of the Arts Council and was prepared to show them both the old office building and the Meeting Center which it turns out are very similar in terms of square footage. The Arts Council members that attended were not interested in looking at the Meeting Center and therefore did not. They only looked at the old office space.

Christine met with Leah Pipe who is coordinating the art work for the new office and Christine picked a wall in which the MRCAC will set up a rotating display of their members' artwork.

Wendy met with Christine via phone and had a very good discussion about the possibilities the District could offer and ways in which we could assist the MRCAC. We discussed the advantages and drawbacks to each of the buildings and I explained to her that the rate they were asking for in terms of the office building would be a heavily subsidized rate considering that space could rent for as much as \$1500.00/month plus utilities. Christine agreed. We talked at length about the possibility of them using the Meeting Center as a potential "forever home" or at least for as long as we own the building. I told her I was prepared to bring the following offer to Council in terms of the MRCAC renting the Meeting Center:

- \$100.00/month rent;
- 5 year renewable lease for as long as the District owns the building or until MRCAC no longer wishes to be there;
- Includes utilities, internet, and alarm systems;

- Snow clearing of parking lot;
- Garbage pick-up once per week;
- Insurance on the building;
- Provide non-monetary support for grant applications for renovations or operations; and
- Access to grant writer for grant applications.

Misty River Community Arts Council would be responsible for:

- Any renovations to the building;
- Portions of grant funding when not 100% funded;
- Any garbage removal in excess of the once per week;
- Snow and ice removal on steps;
- Telephone services;
- Cleaning of the facility; and
- Contents/liability insurance.

This agreement **would not** include the rotating art display at the new office. That will be done under a separate agreement.

Administration feels that this is a great fit for both the District of New Hazelton and the Misty River Community Arts Council. It is an opportunity for the District to support arts and culture in the Hazeltons while at the same time doing so at a nominal fee that will not have a lasting impact on the District since it has already being used as a "community building".

Recommendation:

As the Meeting Center already has renters in the upstairs portion that helps to offset the costs of maintaining the building and the building has, in the past, been given to community groups for either a nominal fee or free of charge, it is the recommendation of Administration that the Chief Administrative Officer be given the authority to negotiate a long term lease of the bottom portion of the Meeting Center to the Misty River Community Arts Council for the nominal fee of \$100.00/month.

January 12, 2021

Attn:

Wendy Hunt, Chief Administrative Officer

District of New Hazelton

Dear Wendy,

I am writing to you as the President of the Misty Rivers Community Arts Council (MRCAC). I have been an active volunteer with MRCAC since moving to the Hazeltons in 2014. MRCAC is a non-profit organization dedicated to the arts in our communities. We currently have one part-time staff member and rely on the enthusiasm of dedicated volunteers-many of whom are artists or performing artists- in the Hazelton communities.

We are currently looking for a space at a reduced rate to act as an artistic hub. Both the Smithers Art Gallery and the Terrace Art Gallery receive in-kind support from their municipalities, in the form of very low rent and assistance with utilities to maintain their galleries, in exchange for fostering artistic opportunities in the community that increase the economic, social and culture well-being of community members.

As a volunteer organization and arts collective, we can offer the following services to increase the vibrancy and access to arts in our area:

- a gallery space showcasing local and regional artists as well as local student artists
- a gallery space provides a professional hanging system and plinths for displaying arts
- a gift shop featuring the works of local and regional artists
- art/artist workshops that demonstrate and provide skill building opportunities, these are often free or have a minimal charge to cover material costs
- free art experiences for children
- partnering with the local farmers market to provide arts opportunities (to date: playdoh station for children, print making, hand building with clay, clay and wheel demonstration, line drawing and painting)
- a social space for the community to come together to enjoy art and have a cup of coffee or tea

- craft fairs, summer and winter
- employment for a local resident
- building thoughtful relationships with First Nations and house groups in our area
- community engagement, inviting all residents to participate in making art.

Additionally our organization could provide:

- changing art pieces/show to display in the new municipal office
- space for tourist information

We would propose to pay \$400/month for the space in New Hazelton in exchange for the services outlined above. This amount would provide us exclusive use of the space, the ability to perform renovations, and would include all utilities, internet and security systems that are already in place at the building.

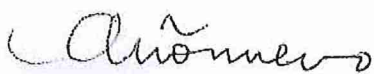
Please feel free to see some of the projects, exhibits, workshops and community building events that we have organized-thanks to grants from the Province of BC- by visiting our Facebook or Instagram pages:

<https://www.facebook.com/mistyriverscac>

<https://www.instagram.com/mistyriversarts/?hl=en>

I look forward to hearing from you.

Warmest regards,



Christine Añonuevo

(on behalf of the Misty Rivers Community Arts Council)

Cc: Ruth Andrews, MRCAC Arts Administrator

Cc: District of New Hazelton Honourable Mayor & Council Members

Misty River Community Arts Council

At both the November and December 2021 council meetings Councilors Hobenshield and Henwood mentioned the vacant office space (old municipal building) and brought forward the idea of this space possibly being used by the Misty River Community Arts Council. (MRCAC)

Currently the MRCAC

- are a local community based organization
- a nonprofit that relies heavily on grant funding and donated time of volunteers, including the Board
- currently rent space located in the Village of Hazelton. The challenge of this location is there is little foot traffic, tourist incentive or general public going to the Village of Hazelton.
- we strive to bring community/communities together through art

To the MRCAC offers:

- a gallery space showcasing local and regional artists as well as local student artists. The gallery space provides a professional hanging system and plinths for displaying arts.
- a gift shop featuring the works of local and regional artists
- art/artist workshops that demonstrate and provide skill building opportunities, these are often free or have a minimal charge to cover material costs
- with a summer student, free art experiences for children
- partnering with the local farmers market to provide arts opportunities
(to date: playdoh station for children, print making, hand building with clay, clay and wheel demonstration, line drawing and painting)
- a social space for the community to come together to enjoy art and have a cup of coffee or tea
- craft fairs, summer and winter
- employment for a local resident
- community engagement, inviting all residents to participate in making art

The MRCAC and Councilors Hobenshield and Henwood are asking Council to give some serious consideration to partnering with the MRCAC. Specifically, to offer the old municipal building at an affordable rate. MRCAC would negotiate this rate and other specifics and the services they would provide. *The District of NH will not be losing any revenue by partnering with the MRCAC as the old municipal **building** has not been a revenue generating space.*

At the forefront the services they could provide:

- changing art pieces/show to display in the new municipal office
- space for tourist information

BRIEFING NOTE

Prepared by: Wendy Hunt

February 25, 2022

Reason for Briefing Note:

Notice of Application to the Provincial Government for a Cannabis Retail Store in New Hazelton

Background:

The District has received a notification from the Liquor and Cannabis Regulation Branch stating they have received an application from Fireweed Cannabis Ltd. who wished to apply for a Non-Medical Cannabis Retail Store. According to the application, it would be located in the Wesco Service Station.

A local government's role in the licensing process is to either issue a positive or negative recommendation for any application the Provincial government receives. A negative recommendation will mean that the license will not be issued. The local government's acceptance is just part of the process however without approval, it will not move ahead.

By including cannabis retail stores as one of our approved uses in our zoning bylaw, we have agreed in principal to allowing them into our community. I have attached the Zoning Amendment for your information. This application appears to fit all of the criteria for the bylaw. The LCRB allows Council to delegate its powers and authority to staff to provide comments and recommendation to the LCRB.

Due to the fact that there are some residences within the immediate area, staff felt that it was prudent to open a comment period in which residents could express their concerns in writing within a specified period of time. Hand delivered letters were given to each household within a two block radius of the Wesco station and as well, which many of you may have already seen, there was an insert in last week's Browser for anyone that we may have missed. Should any comments be received, they would be included in the information sent to the Provincial government when either accepting or rejecting the application.

Staff will also take into account any discussion that comes from this meeting and any recommendations from Council.

Recommendation:

Administration would like to recommend that council accept the application for consideration and delegate the decision making authority to staff once the comment timeframe has closed. Staff see no reason to reject the application as it fits within our bylaws and by including an amendment to the Zoning Bylaw, the District has implied its acceptance of retail cannabis stores in our community.



DISTRICT OF NEW HAZELTON

Bylaw No. 344, 2018

A bylaw to amend the Zoning Bylaw No. 317, 2014

The Council for the District of New Hazelton, in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as the Zoning Amendment Bylaw No. 344, 2018.
2. District of New Hazelton Zoning Bylaw No. 317, 2014 is amended as follows:
 - a) Add to *Definitions* a definition for Cannabis Retail Sales:
 - a. *Cannabis Retail Sales* means a business specific to the retail sale of cannabis or cannabis accessories as lawfully permitted and authorized under the Cannabis Control and Licensing Act.
 - b) Section 3.18 *Commercial Downtown (C1) Permitted Uses*; add the following permitted use:
Cannabis Retail Sales;
 - c) Section 3.19 *Service Commercial (C2) Permitted Uses*; add the following permitted use:
Cannabis Retail Sales;
 - d) Section 4.7 *Prohibited Uses*; add the following to prohibited uses in every zone:
 - a. Cannabis retail sales within 200m of a school or daycare center; and
 - b. Commercial growth of cannabis for the purposes of resale;
 - e) Section 4.11 *The following uses are prohibited for Home-Based Businesses*; change wording of section (8) to read:
 - a. Retail or wholesale sale of goods, including cannabis, except for good manufactured or produced as part of a Home-Based Business.
 - f) Add section 4.17:
 - a. **Cannabis Retail Sales**
Unless expressly written elsewhere in this bylaw, all Cannabis Retail Sales must abide by the Provincial and Federal regulations.

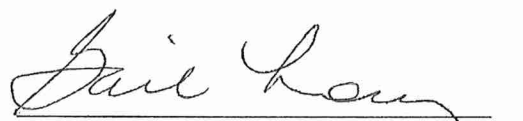
READ A FIRST TIME THIS 1st day of October, 2018

READ A SECOND TIME THIS 1st day of October, 2018

READ A THIRD TIME THIS 15th day of October, 2018

ADOPTED THIS 15th day of October, 2018


Chief Administrative Officer


Mayor

LOCAL GOVERNMENT'S ROLE IN PROVINCIAL CANNABIS APPLICATIONS

Receiving the application

When a business applies for a new non-medical CRS licence or applies to relocate an existing licence, the LCRB will begin reviewing the application.

After the initial review is complete, the LCRB notifies the local government or Indigenous Nation by email. At that time, the local government or Indigenous Nation can either:

- **Accept** the application for consideration
 - And begin reviewing the proposed location to provide comments and a recommendation at a later date.
- **Not accept** the application for consideration*
 - The general manager cannot issue a licence without a positive recommendation from the local government or Indigenous Nation. This means the LCRB will not proceed with the application and will close it after notifying the applicant. The licence application fee will be refunded.

***Not accepting** the application for consideration is **not** the same as recommending a licence not be issued. If the local government or Indigenous Nation does not accept the application for consideration, the application fee will be refunded. If the local government or Indigenous Nation accepts the application and recommends the licence not be issued, the application fee may not be refunded.

Fit and proper assessment

Once the local government or Indigenous Nation accepts an application for consideration, the LCRB begins the fit and proper assessment. The fit and proper assessment may include security screening and financial integrity checks to assess the suitability of the applicant.

This process can occur at the same time as the local authority's review of the application. The local government or Indigenous Nation may finalize their recommendation before the fit and proper assessment is complete.

Learn more about security screenings and financial integrity checks.

Contraventions

A licence may be suspended, cancelled, or subject to a transfer order if the licensee is convicted of an offence under law or bylaw that relates to the operation of the non-medical CRS.

Additional local licensing requirements

Store location

Local governments or Indigenous Nations can set restrictions on where non-medical CRSs are located in their jurisdiction.

Business regulations

A business licence may be required from the local government or Indigenous Nation. In addition to the provincial licensing requirements, local governments or Indigenous Nations may impose their own requirements through bylaws and conditions of business licensing. In these cases, it's the responsibility of the local government or Indigenous Nation to enforce these rules and bylaws.

Local governments and Indigenous Nations may:

- Limit the store hours

- Impose other conditions
 - For example, requirements for signage; and
- Provide the rationale for this request

Reviewing local requirements may add time to the overall licensing approval process.

Fees

Local governments or Indigenous Nations can charge the applicant fees for their assessment of an application for a CRS licence.

Floor plans

Local governments or Indigenous Nations are **not** required to provide occupant load stamps or approve floor plans for a CRS. The LCRB approves the floor plans.

Making a recommendation to the LCRB

After a local government or Indigenous Nation accepts an application for consideration, they can prepare comments and a final recommendation that either:

- A licence be issued to the applicant
- A licence **not** be issued to the applicant
 - In this case, the general manager cannot issue a licence to the applicant

This process also generally applies to all permanent relocation applications of existing non-medical CRSs.

Delegating authority and reconsideration

A municipal council or regional district board may delegate its powers and duties to staff to provide comments and a recommendation to the LCRB. A local government's delegates should be included as part of each new comment and recommendation to the LCRB.

An applicant may ask for the comments and recommendations made by delegated staff to be reconsidered by the council or board. A municipal council or regional district must have procedures to reconsider comments and recommendations made by delegated staff, including how a licence applicant may apply for reconsideration.

Gathering residents' views

In cases where issuing a licence may affect nearby residents* the local government or Indigenous Nation must gather the views of residents in one or more of the following ways:

- Collect written comments in response to a public notice
- Conduct a public hearing
- Hold a referendum
- Another method the Indigenous Nation or local government considers appropriate

Each new CRS licence or relocation application requires a unique recommendation and comments from the local government or Indigenous Nation, and if applicable, nearby residents.

*The Indigenous Nation or local government must determine who are considered "nearby residents" of the area.

Timelines on providing comments and recommendation

Local governments or Indigenous Nations are not required to provide comments and recommendations within a certain amount of time after accepting an application for consideration. However, delays in providing comments and recommendations may have financial impacts on the applicant.

If an applicant is responsible for the delay, the local government can notify the LCRB. Applicants are given appropriate notice and a reasonable amount of time to act or respond to the LCRB's licence application process. An application may be cancelled by the general manager if the applicant is not making efforts to move an application forward.

What to include in comments and recommendation

Local governments or Indigenous Nations that decide to provide comments and recommendations must do so in writing. This may be a formal resolution after reviewing the application. Make sure that the comments and recommendation are clear and meet legislative requirements.

The comments must include the local government or Indigenous Nation's views on the general impact of the proposed store on the community. This can include an evaluation of public input and potential impacts to nearby residents and businesses.

If the nearby residents' views were gathered, you must include:

- Their views in the comments
 - For example, number of responses received, supportive or opposed, and main areas of concern
- A description of how they were gathered
 - For example, by public hearing, notices mailed, signs posted

The written comments **must** clearly state if the local government or Indigenous Nation recommends:

- The licence be issued or amended **or**
- The licence **not** be issued or amended
 - With reasons for the positive or negative recommendation

In addition to the above, comments and recommendations from the local government or Indigenous Nation may include:

- The proposed establishment's physical address (with unit numbers or letter suffixes)
- Location consideration
 - Including, but not limited to, parking, vicinity to schools or community centers, nearby residents or businesses
- Supporting documents such as
 - A staff report
 - Meeting minutes
 - Copy of residents' views
 - Development permits, if applicable

Submitting the recommendation

To submit comments and a recommendation for a CRS licence application, the local authority must

- Email the comments, recommendation and any supporting documents to
 - LCRB.SLA@gov.bc.ca

If the comments and recommendation do not meet the legislative requirements or are unclear, the LCRB will work with the local government or Indigenous Nation to provide a new or amended recommendation.