

Regular Meeting – A.M.

March 21, 2011

A Regular Meeting of the Municipal Council of the City of Kelowna was held in the Knox Mountain Meeting Room, 1435 Water Street, Kelowna, B.C., on Monday, March 21, 2011.

Council members in attendance: Mayor Sharon Shepherd, Councillors Kevin Craig, Robert Hobson\*, Charlie Hodge, Graeme James, Angela Reid-Nagy, Michele Rule and Luke Stack.

Council members absent: Councillor Andre Blanleil.

Staff members in attendance were: City Manager, Ron Mattiussi; Deputy City Clerk, Karen Needham; Director, Real Estate & Building Services, Doug Gilchrist\*; Manager, Real Estate Services, Jordan Hettinga\*; Director, Corporate Services, Rob Mayne\*; Communications Supervisor, Tom Wilson\*; and Council Recording Secretary, Sandi Horning.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 11:15 a.m.

2. Councillor James was requested to check the minutes of the meeting.

3. ISSUES ARISING FROM CORRESPONDENCE & COMMUNITY CONCERNS

3.1 Mayor Shepherd, re: Southern Interior Regional Drinking Water Team - Update

Mayor Shepherd:

- Provided background information regarding the Southern Interior Regional Drinking Water Team.

Moved by Councillor Rule/Seconded by Councillor Craig

**R277/11/03/21** THAT Council receives, for information, the letter from the Ministry of Natural Resource Operations dated March 7, 2011 with respect to the Southern Interior Regional Drinking Water Team - Update;

AND THAT Council directs staff to review the March 7, 2011 letter from the Ministry and report back to Council with comments.

Carried

3.2 Mayor Shepherd, re: Medical Marijuana Dispensary

Councillor Hobson joined the meeting at 11:16 a.m.

Mayor Shepherd:

- Provided background information regarding the March 8, 2011 letter from the City of Langley and Township of Langley to the Federal Minister of Health.
- Advised that the BeKind Okanagan Growers and Compassion Club have submitted a letter to Council in response to the City of Langley and Township of Langley's March 8, 2011 letter.

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Moved by Councillor Hodge/Seconded by Councillor Hobson

**R278/11/03/21** THAT Council hears from a representative of the BeKind Okanagan Growers and Compassion Club.

Carried

Rob Callaway, Head of Research & Development, BeKind Okanagan Growers and Compassion Club:

- Expressed a concern with the March 8, 2011 letter from the City of Langley and Township of Langley to the Federal Minister of Health.
- Believes that the Health Canada program is completely dysfunctional and needs radical changes.
- Believes that many people with licenses to produce cannabis do not abide by municipal bylaws and do not have their gardens inspected properly, as instructed by Health Canada, because license holders are still too afraid to disclose that information to a city, safety inspectors, electricians, carpenters etc. because prohibition has resulted in unnecessary and traumatizing criminal records for possession, most of whom are non-violent and otherwise law-abiding citizens, many of whom were growing cannabis for legitimate medical reasons.
- Believes that prohibition is the root cause for the lack of proper research into medical cannabis, lack of compensation through the health care system for cannabis as medicine, and the necessity of growing cannabis indoors to avoid theft and violence.
- Believes that properly implemented indoor gardens are not a health risk to residents, either short-term or long-term.
- Believes that if the Mayors from Langley had consulted with people involved in the medical cannabis community, they would have discovered that Health Canada brought forward the “pharmacy” solution a number of years ago.
- Believes that pharmacies should be involved in the dispensing of cannabis for those who wish to use that means of distribution; however, the model alone does not and will not work.
- Health Canada was forced, by law, to implement the medical cannabis program even though it does not officially recognize cannabis as medicine.
- Advised that the Federal Government provided dried cannabis to medical patients, but that program has been disastrous both financially and medically. Very few patients, who have tried Health Canada’s cannabis, continue to purchase it, due to quality, strain and other factors.
- Advised that both the Senate Special Committee in Illegal Drugs and the Ontario Court of Appeal have recommended that Health Canada work with compassionate clubs and dispensaries in order to incorporate them into a legal framework for the dispensing of medical cannabis; however, to date, these Court orders and recommendations have been ignored.
- Advised that compassion clubs do more than just dispense cannabis, they also provide assistance navigating the Health Canada regulations and paperwork.
- Believes that if local governments are concerned about health and well-being of their citizens, then local governments should be willing to address the topic of legalization.
- Believes that all levels of government and compassion clubs need to work together in order to develop, regulate and enforce medical marijuana regulations.
- Explained the process for obtaining a medical marijuana license.
- Advised that compassion clubs are currently illegal in Canada, but that they are allowed to function because of the recognized service they provide.

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Moved by Councillor Hodge/Seconded by Councillor Reid-Nagy

R279/11/03/21 THAT Council defers consideration of Agenda Item No. 3.2, being the Medical Marijuana Dispensary, to the Monday, March 28, 2011 A.M. Regular Council Meeting.

Carried

4. RESOLUTION CLOSING THE MEETING TO THE PUBLIC

Moved by Councillor Craig/Seconded by Councillor Hodge

R280/11/03/21 THAT this meeting be closed to the public, pursuant to Section 90(1) (b), (g) and (j) of the Community Charter for Council to deal with matters relating to the following:

- Consideration of a Municipal Award;
- Potential Litigation; and
- Third Party Information.

Carried

5. ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 11:54 a.m.

9. RECONVENE TO OPEN SESSSION

The meeting reconvened to an open session 12:13 p.m.

9.1 Mayor Shepherd, re: City Manager's Review

Mayor Shepherd:

- Requested that Council submit their individual comments with respect to the City Manager's review as soon as possible.

9.2 Mayor Shepherd, re: Southern Interior Local Government Association

Mayor Shepherd:

- Confirmed that in addition to the Mayor, Councillors Hobson, Hodge and Rule will be attending the 2011 SILGA Convention.
- Confirmed that Councillor Stack will not be attending and requested that the remaining Councillors advise the Mayor's Confidential Secretary if they are going to attend so that the necessary travel arrangements can be finalized.

9.3 Mayor Shepherd, re: Discussion with the Hon. Steve Thomson, Minister of Forests, Lands and Natural Resource Operations

Mayor Shepherd:

- Advised that she had a recent discussion with MLA Steve Thomson regarding the newly appointed Solicitor-General and the proposed Okanagan Correctional Facility.
- Advised that she would like to write a letter to the new Solicitor-General requesting that the City of Kelowna site be considered with the understanding that the Okanagan Indian Band be consulted.

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Council:

- The majority of Council did not support the Mayor's request to write a letter to the new Solicitor-General.

9.4 Mayor Shepherd, re: Sign Bylaw

Mayor Shepherd:

- Inquired if the City's Sign Bylaw allows for the use of LED's.

City Manager:

- Believes that the Sign Bylaw allows for the use of LED's, but does not allow "motion/movement" in signage.
- Agreed to have staff follow up and report back to Council regarding the use of LED's in signage.
- Agreed to provide Council with an update regarding the development sign review being conducted by staff.

10. TERMINATION

The meeting was declared terminated at 12:25 p.m.

Certified Correct:

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Mayor

SLH/tt

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Deputy City Clerk