

MINUTES of **REGULAR** Meeting #2019-07 of the council of the City of Whitehorse called for 5:30 p.m. on Monday, April 8, 2019, in Council Chambers, City Hall.

PRESENT: Mayor Dan Curtis
Councillors Dan Boyd
Laura Cabott
Jocelyn Curteanu
Samson Hartland
Stephen Roddick
Jan Stick

ALSO PRESENT: City Manager Linda Rapp
Director of Community and Recreation Services Jeff O'Farrell
Director of Corporate Services Valerie Braga
Director of Development Services Mike Gau
Director of Infrastructure and Operations Peter O'Blenes
Manager of Strategic Communications Myles Dolphin
Manager of Legislative Services Catherine Constable
Assistant City Clerk Norma Felker

Mayor Curtis called the meeting to order at 5:30 p.m.

CALL TO ORDER

2019-07-01

It was duly moved and seconded
THAT the agenda be adopted as presented.

AGENDA

Carried Unanimously

2019-07-02

It was duly moved and seconded
THAT the minutes of the regular council meeting dated March 25, 2019
be adopted as presented.

MINUTES

March 25, 2019

Carried Unanimously

COMMITTEE REPORTS

Public Health and Safety Committee

The Whitehorse Fire Department and Wildland Fire Management have been working together to manage wildfire fuels within the city. The success of a pilot project in 2017 concluded that controlled burns along road rights-of-way and other areas was an acceptable practice in the reduction of potential wildland fire fuel sources.

WILDFIRE FUEL
REDUCTION –
PRESCRIBED BURNS
For Information Only

.../continued

The reduction of wildfire potential in designated areas of the City will be done through the controlled burning of fine fuels and grass along the roadway and surrounding areas. The majority of the fuels to be treated are matted grass, with a small percentage of individual immature conifer and deciduous trees and shrubs.

WILDFIRE FUEL
REDUCTION –
PRESCRIBED BURNS

Burning will only take place pursuant to the very strict guidelines outlined in the Prescribed Fire Plan developed by Wildland Fire Management. The public will be notified prior to the commencement of any burn.

For Information Only
(Continued)

2019-07-03

It was duly moved and seconded
THAT Bylaw 2019-10, a bylaw to amend the Traffic Bylaw with respect to speed zones in various areas, be brought forward for consideration under the bylaw process.

BRING FORWARD
AMENDMENT TO
TRAFFIC BYLAW

Carried Unanimously

A council member thanked administration for following up on concerns raised regarding certain speed zones and addressing the issue in the bylaw being brought forward for consideration.

Discussion

A committee member referenced the recently released Yukon Health Status Report and noted that it provides an in-depth look at seniors' health and well-being in Yukon. The report contains a number of recommendations, and it was suggested that the City review the report and identify the recommendations that the City could implement for the benefit of seniors in our community.

HEALTH STATUS
REPORT
For Information Only

Development Services Committee

2019-07-04

It was duly moved and seconded
THAT administration be directed to prepare notification packages with respect to Local Improvement Charges Bylaw 2019-09 that include corrections to the errors discovered; and

AMEND COOK STREET
WEST LIC BYLAW

THAT administration be directed to prepare proposed amendments to Bylaw 2019-09 for council's consideration when the bylaw comes forward for second reading.

Carried Unanimously

A committee member cited a report issued by Environment Canada on Canada’s Changing Climate. The report states that warming in Canada is twice the rate of the rest of the world and is even more significant in the north. These climate changes have significant and alarming implications for our infrastructure, First Nations traditions and culture, and the natural environment. The committee member asked if the City is doing enough to ensure its ability to cope with the economic, environmental and social impacts of climate change, and to encourage low carbon development in transportation. It was suggested that the answer is ‘no’ to both of these questions, and that council should consider declaring a Climate Change Emergency in Whitehorse and work with administration to identify new opportunities that are more in line with the urgency of the situation.

CLIMATE CHANGE
For Information Only

Corporate Services Committee

There was no report from the Corporate Services Committee.

No Report

City Planning Committee

2019-07-05

It was duly moved and seconded
THAT Bylaw 2019-08, a bylaw to amend the zoning bylaw to allow the private retail sale of cannabis and cannabis-containing products, be brought forward for second and third reading under the bylaw process; and

THAT Bylaw 2019-08 be amended at second reading as follows:

1. Add a new definition for ‘play structure’ that reads, “PLAY STRUCTURE’ means permanent equipment installed and/or maintained by the City for use by children or youth of any age. Typical examples include climbing structures, swings, or slides.
2. Replace existing subsection 6.19.6 with a new subsection that reads, “The lot line of a Retail services, restricted operation may not be within 100 m of another lot used for Retail services, restricted. The 100 m buffer comes into effect once any development permit has been issued for a Retail services, restricted use.”
3. Add a new subsection 6.19.7 that reads, “A list and map of locations that require a buffer from a Retail services, restricted use can be obtained from the City’s Land and Building Services Department or the Planning and Sustainability Services Department.

BRING FORWARD
ZONING AMENDMENT
BYLAW 2019-08 AND
AMEND AT 2ND READING

Carried Unanimously

A committee member raised a concern that residential units in the City are being used for Airbnb despite the housing shortage. Administration confirmed that Airbnb is a developing area and amendments to the Zoning Bylaw may be required in the future to address the issue. At this time, the City has ensured that development incentive agreements are not applied to properties intended for this type of short-term use.

AIRBNB UNITS
For Information Only

City Operations Committee

2019-07-06

It was duly moved and seconded
THAT administration be authorized to award the contract for the supply of 16,000 tonnes of 10mm crushed sand to Skookum Asphalt Ltd. for a net cost to the City of \$209,960.00, plus GST; and

CONTRACT AWARDS
FOR WINTER ROAD
MAINTENANCE
SUPPLIES

THAT administration be authorized to award the contract for the supply of 500 tonnes of road salt to Canadian Lynden Transport Co. for a net cost to the City of \$178,333.33, plus GST.

Carried Unanimously

2019-07-07

It was duly moved and seconded
THAT administration be authorized to waive the public bidding process for the supply of line painting services; and

CONTRACT AWARD
LONG LINE PAINTING

THAT administration be authorized to award the contract for the supply of line painting services to the Government of Yukon for a net cost to the City not to exceed \$63,000.000 per year for 2019 and 2020.

Carried Unanimously

2019-07-08

It was duly moved and seconded
THAT administration be authorized to award the contract for the 2019 to 2021 Mosquito Control Program to Duka Environmental Ltd for a net cost to the City not to exceed \$228,516 plus GST, for a three-year contract; and

CONTRACT AWARD
MOSQUITO CONTROL
PROGRAM

THAT, should the contingency amount of \$5,000 be needed in any of the three years, administration be authorized to amend the operating budget for that year to a maximum of \$5,000, funded from the General Reserve.

Carried Unanimously

A council member advised that the proponent of the losing proposal had provided very positive feedback about the procurement process.

Discussion

A committee member raised a concern that the BST road treatment applied last year in some rural neighbourhoods is sub-standard compared to what was previously in place. Administration confirmed that the BST work done last year met all specifications and was up to standard. The only difference with the latest contract was the size of the aggregate, which should actually perform better in the long term. However, BST takes some time to compact and issues such as noise will lessen over time. In the meantime, the roads will be swept this spring and this may help with some of the issues being experienced.

BST ROAD SURFACE
ON RURAL ROADS
For Information Only

Community Services Committee

Mayor Curtis proclaimed April 7, 2019 to be **Green Shirt Day for Organ Donor Awareness and Registration** in the City of Whitehorse.

GREEN SHIRT DAY
PROCLAMATION

Samantha Salter and Scott Keesey addressed the Committee on behalf of the Contagious Mountain Bike Club to provide an overview of the Club's activities and the work club members do as trail stewards. They explained that their involvement with City trails is mainly concerned with trail maintenance, but the Club is also working with the City to identify some of the new trails their members would like to see. Ms. Salter also indicated that the Club would be pleased to work with the City on the preparation and presentation of programs to educate people on shared use etiquette.

CONTAGIOUS
MOUNTAIN BIKE CLUB
For Information Only

2019-07-09

It was duly moved and seconded
THAT the revised Community Clean-up Policy dated March 2019 be adopted as presented.

ADOPT REVISED
COMMUNITY CLEAN-UP
POLICY

Carried Unanimously

A committee member noted Climb Yukon's request for facility space in the Canada Games Centre was denied, and expressed the hope that the City will continue to explore options for supporting the organization.

CLIMB YUKON
For Information Only

BYLAWS

2019-07-10

It was duly moved and seconded
THAT Bylaw 2019-06, a bylaw to amend the 2019 to 2022 Capital Expenditure Program to provide for the re-budgeting of 2018 capital projects, having been read a first and second time, now be given third reading.

BYLAW 2019-06
BUDGET AMENDMENT
(2018 Capital Re-Budgets)
THIRD READING

Carried Unanimously

2019-07-11

It was duly moved and seconded
THAT Bylaw 2019-12, a bylaw to amend the Fees and Charges Bylaw to reflect changes required as a result of the first quarter review, having been read a first and second time, now be given third reading.

Carried Unanimously

BYLAW 2019-12

FEES & CHARGES
BYLAW AMENDMENT
(1st Quarter Changes)

THIRD READING

2019-07-12

It was duly moved and seconded
THAT Bylaw 2019-08, a bylaw to amend the Zoning Bylaw to provide for the private retail sale of cannabis and cannabis-containing products, be given second reading.

BYLAW 2019-08

ZONING AMENDMENT
(Cannabis Retail Sales)

SECOND READING

2019-07-13

It was duly moved and seconded
THAT the following three amendments be made to Bylaw 2019-08:

1. Amend section 1 by adding a definition for 'play structure' that reads as follows:

"PLAY STRUCTURE" means permanent equipment installed and/or maintained by the City for use by children or youth of any age. Typical examples include climbing structures, swings or slides.
2. Amend section 6 by deleting the existing clause 6.19.6 and substituting a new section 6.19.6 as follows:

"6.19.1 The lot line of a Retail services, restricted operation may not be within 100 metres of another lot used for Retail services, restricted. The 100 m buffer comes into effect once any development permit has been issued for a Retail services, restricted use.
3. Amend section 6 by adding a new clause 6.19.7 as follows:

"6.19.7 A list and map of locations that require a buffer from a Retail services, restricted use can be obtained from the City's Land and Building Services Department or the Planning and Sustainability Services Department."

Amendment #1

Carried Unanimously

2019-07-14

It was duly moved and seconded
THAT the following two amendments be made to Bylaw 2019-08:

1. Add a new section 13 that reads as follows and renumber the remaining sections accordingly:
 “13. Section 10.6.7 of Zoning Bylaw 2012-20 is hereby amended by adding a new subsection h) as follows:
 “10.6.7 h) A portion of Downtown Whitehorse located west of Fourth Avenue and south of Main Street is designated CM2x with the special modification being that retail services, restricted is not a permitted use.”
2. Add a new section 18 that reads as follows and renumber the remaining section accordingly:
 “18. The zoning maps attached to and forming part of Zoning Bylaw 2012-20 are hereby amended by changing the zoning of a number of parcels located west of Fourth Avenue and south of Main Street in Downtown Whitehorse from CM2–Mixed-Use Commercial 2 to CM2x(h)–Mixed-Use Commercial 2 (modified), as indicated on the sketch attached hereto as Appendix “B” and forming part of this bylaw.”

Amendment #2

Carried Unanimously

The proponent of the amendment advised that it was being brought forward in order to extend the restrictions to a primarily residential area in downtown south. It was noted that the bylaw was drafted with a cautious approach, and it is easier to expand than it is to reduce. The amendment proposes a small reduction in response to issues raised during the public hearing process.

Discussion

Main motion 2019-07-12, being second reading of Bylaw 2019-08 as amended, was then voted on and Carried Unanimously

Vote on Main Motion

2019-07-15

It was duly moved and seconded
THAT Bylaw 2019-08, a bylaw to amend the Zoning Bylaw to provide for the private retail sale of cannabis and cannabis-containing products, having been read a first and second time, now be given third reading as amended.

BYLAW 2019-08
ZONING AMENDMENT
(Cannabis Retail Sales)
THIRD READING

Carried Unanimously

2019-07-16

It was duly moved and seconded
THAT Bylaw 2019-13, a bylaw to amend the Business License Bylaw with respect to regulations for the retail sale of cannabis and cannabis-containing products, be given second reading.

BYLAW 2019-13
BUSINESS LICENSE
BYLAW AMENDMENT
(Cannabis Retail Sales)
SECOND READING

2019-07-17

It was duly moved and seconded
THAT Bylaw 2019-13, a bylaw to amend the Business License Bylaw, be amended as follows:

(1) Delete the existing section 4 and substitute therefore a new section 4 as follows:

“4. The Specific Business Regulations section of Business License Bylaw 2017-24 is hereby amended by deleting existing sections 74 and 75 and renumbering the remaining sections accordingly.

(2) Add a new section 5 and renumber the remaining sections accordingly. The new section 5 will read as follows:

“5. The Specific Business Regulations section of Business License Bylaw 2017-24 is hereby amended by deleting existing section 79 and substituting therefore a new section 77 as follows:

Amendment

“77. Retail Services–Restricted business activity is not permitted between the hours of 10:00 p.m. and 9:00 a.m. the following day.”

(3) Delete the existing section 5 and substitute therefore a new section 6 as follows:

“5. Appendix “A” of Bylaw 2017-24 (Voluntary Fines) is hereby amended by deleting sections 74 and 75 and renumbering existing sections 76, 79 and 80 as sections 74, 77 and 78.”

Carried Unanimously

The proponent of the amendment stated the opinion that limited hours of operation are more appropriate. The suggestion was made that the City should recommend to the Government of Yukon that these are more reasonable hours for the sale of cannabis and also of liquor.

Discussion

Main motion 2019-07-15, being second reading of Bylaw 2019-13 as amended, was then voted on and Carried Unanimously.

Vote on Main Motion

2019-07-18

It was duly moved and seconded
THAT Bylaw 2019-13, a bylaw to amend the Business License Bylaw with respect to regulations for the retail sale of cannabis and cannabis-containing products, having been read a first and second time, now be given third reading as amended.

Carried Unanimously

Council members thanked administration for bring forward these two bylaws in response to the cannabis issue. A council member also acknowledged and thanked Dr. Brendan Hanley, the Chief Medical Officer of Health, for the input he provided that helped in the creation of two bylaws that are fair, reasonable, and will work well for the City.

The suggestion was made that liquor sales regulations should be examined during the Official Community Plan re-write process.

BYLAW 2019-13

BUSINESS LICENSE
BYLAW AMENDMENT
(Cannabis Retail Sales)

THIRD READING

Discussion

2019-07-19

It was duly moved and seconded
THAT Bylaw 2019-10, a bylaw to amend the Traffic Bylaw to change the speed zone on certain streets, be given first reading.

Carried Unanimously

BYLAW 2019-10

AMEND TRAFFIC BYLAW
(Change Speed Zones)

FIRST READING

2019-07-20

It was duly moved and seconded
THAT Bylaw 2019-10 be given second reading.

Carried Unanimously

SECOND READING

There being no further business, the meeting adjourned at 6:25 p.m.

ADJOURNMENT

ORIGINAL MINUTES SIGNED BY:

"Dan Curtis"

Dan Curtis, Mayor

"N. L. Felker"

Norma L. Felker, Assistant City Clerk

ADOPTED by resolution at Meeting #2019-08 dated April 23, 2019