

MINUTES of **REGULAR** Meeting #2012-13 of the council of the City of Whitehorse called for 7:30 p.m. on Monday, July 23, 2012, in Council Chambers, City Hall.

PRESENT: Mayor Bev Buckway
Councillors Dave Austin – Electronic Participation
Kirk Cameron
Betty Irwin
Ranj Pillai
Florence Roberts
Dave Stockdale

ALSO PRESENT: Acting City Manager Brian Crist
Acting Director of Administrative Services Valerie Anderson
Manager of Planning and Development Services Mike Gau
Assistant City Clerk Norma Felker

Mayor Buckway called the meeting to order at 7:30 p.m.

CALL TO ORDER

2012-13-01

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

AGENDA

Carried Unanimously

2012-13-02

It was duly moved and seconded
THAT the minutes of the regular council meeting dated July 9, 2012 be
adopted as presented.

MINUTES

July 9, 2012

Carried Unanimously

PUBLIC HEARING

Mayor Buckway called three times for anyone to appear to address
Bylaw 2012-34, a bylaw to change the zoning at 9 Gibbons Place in
Porter Creek to allow for the operation of a major home-based
business in an accessory building.

BYLAW 2012-34

ZONING AMENDMENT
9 Gibbons Place

Cam Kos spoke in support of the application and expressed approval
of the proponent's efforts to ensure that they are operating legally. He
expressed some concerns regarding the plans for fuel storage on site
because of the slope of the land and the proximity to the creek, but
was satisfied that the proponents will take all necessary measures to
ensure that the fuel will be handled in a safe and secure manner.

CAM KOS
IN FAVOUR

There were no submissions received with respect to this bylaw.

No Submissions

COMMITTEE REPORTS

Tourism & Economic Development Committee

There was no report from the Tourism and Economic Development Committee.

No Report

Administrative Services Committee

2012-13-03

It was duly moved and seconded THAT Bylaw 2012-32, a bylaw to provide for remuneration for mayor and councillors for the 2012 to 2015 term of office, be brought forward for due consideration under the bylaw process.

BRING FORWARD
COUNCIL REMUNERATION
BYLAW

Carried Unanimously

City Planning Committee

Mr. Cam Kos addressed the Committee to request that Council consider allowing an increase in fence height in residential zones, especially where increasing density is causing a loss of privacy. He suggested that an eight foot fence would not cause undue shading and would more efficient for building as that height conforms with the available length of lumber. He noted that there are several precedents in the community, and this would allow existing examples to conform to the bylaw.

CAM KOS
ZONING BYLAW ISSUES
For Information Only

Mr. Kos also suggested that there are too many changes being brought forward too quickly, especially when they do not apply to Whistle Bend. He expressed concern about the proposed changes with respect to setbacks, lot widths and hard-surfacing provisions, and suggested that the increased height of buildings in the downtown area could result in increased costs for fire fighting equipment to reach those heights. Mr. Kos also asked Council to consider bringing in a bylaw to prevent rental units being turned into condos.

2012-13-04

It was duly moved and seconded THAT Bylaw 2012-35, a bylaw to amend the Official Community Plan to allow for temporary remediation and quarrying activities in the Upper Tank Farm area, be brought forward for due consideration under the bylaw process.

BRING FORWARD
O.C.P. AMENDMENT
Upper Tank Farm

Carried Unanimously

2012-13-05

It was duly moved and seconded
THAT the 2012 Capital Budget be amended to increase the budget for the Stevens Quarry Project by \$60,000.00, funded by the Yukon Government.

BUDGET INCREASE
STEVENS QUARRY

Carried Unanimously

Council expressed satisfaction at seeing this project go forward, even though the Government of Yukon has indicated that any new leases will not be available until 2014.

Discussion

A Committee member requested that Council schedule a review of the current royalties and the amounts being accrued for the purpose of possible future reclamation work in the Ear Lake area.

Request for Review of
Royalties & Accruals
For Information Only

City Operations Committee

2012-13-06

It was duly moved and seconded
THAT the construction contract for the 2012 Hillcrest Connector Path project be awarded to Skookum Asphalt Ltd. for \$119,704.00 exclusive of GST.

CONTRACT AWARD
HILLCREST CONNECTOR
PATH PROJECT

Carried (6 - 1)

2012-13-07

It was duly moved and seconded
THAT the contract for the 2012 SCADA - Radio Communications Phase 1 project be awarded to WesTech Communications for a net cost to the City of \$25,652.60.

CONTRACT AWARD
SCADA RADIO
COMMUNICATIONS
PHASE 1

Carried Unanimously

The Aquatic Centre at the Canada Games Centre uses an ozone disinfection system. During this year's annual maintenance cycle it was discovered that the four ozone tanks have begun to deteriorate, and also that there is a plumbing issue that needs to be corrected. The tanks must be repaired or replaced to re-start the ozone system and provide ozone disinfection to the pools. Ozone disinfection is a critical component in overall maintenance of the pool as it eliminates any combined chlorine in the water and reduces the number of other chemicals required to keep the water properly balanced. Pool users with skin sensitivities may not be able to continue using the pool without ozone.

NEED TO REPLACE
OZONE TANKS AT
THE AQUATIC CENTRE
For Information Only

.../continued

Administration has identified replacement of the tanks as the best option. It is important to proceed with the purchase of replacement tanks as soon as possible to take advantage of the 2012 pool shutdown period to complete all of the work at the most opportune time. Waiting for the formal 2013 budget process could delay this work and the re-starting of the ozone system by a number of months

NEED TO REPLACE
OZONE TANKS AT
THE AQUATIC CENTRE
For Information Only
(Continued)

Administration confirmed that City staff will be overseeing the installation of the new tanks and the associated plumbing.

The Committee asked for additional details regarding the warranty and any extra warranties that may be available, considering the short life of the previous tanks.

Community Services Committee

Simon Schachner addressed the Committee on behalf of Canada World Youth to provide an update on the activities of the organization in Whitehorse this year. He asked Council to assist the group by allowing participants free access to transit service during their stay in Whitehorse.

CANADA WORLD YOUTH
For Information Only

Public Health and Safety Committee

2012-13-08

It was duly moved and seconded
THAT Bylaw 2012-21, a bylaw to regulate the control, operation and use of all-terrain vehicles in the City of Whitehorse, be brought forward for second reading under the bylaw process; and

BRING FORWARD
AND AMEND THE
NEW ATV BYLAW

THAT Bylaw 2012-21 be amended at second reading in accordance with the recommendations detailed in the Administrative Report dated July 16, 2012.

Carried Unanimously

Administration confirmed that amendments approved at this meeting will be incorporated into the bylaw and will be available for public review as soon as possible. Citizens with concerns regarding the bylaw may address their concerns at the Standing Committee meeting on August 6, 2012.

Discussion

Administration provided an update on the current enforcement efforts being undertaken with respect to skateboarders and cyclists on sidewalks, and the Committee encouraged continued enforcement in this area.

Sidewalk Enforcement
For Information Only

NEW & UNFINISHED BUSINESS

2012-13-09

It was duly moved and seconded
THAT a supplementary 2012 capital expenditure be authorized in the amount of \$63,000.00, funded from the General Reserve, to fund the supply and installation of four new replacement ozone tanks for the Aquatic Centre at the Canada Games Centre and,

BUDGET AMENDMENT
AND SOLE SOURCE
PURCHASE FOR
NEW OZONE TANKS

THAT the sole source purchase of four new replacement ozone tanks for the Aquatic Centre at the Canada Games Centre be authorized to Del Ozone in an amount not to exceed \$47,130.00 USD.

Carried Unanimously

BYLAWS

2012-13-10

It was duly moved and seconded
THAT Bylaw 2012-20, a bylaw to adopt a new Zoning Bylaw, having been read a first and second time, now be given third reading.

BYLAW 2012-20
NEW ZONING BYLAW
THIRD READING

Carried Unanimously

Administration confirmed that:

- The height zones in the Downtown area provide for steps in height;
- The bylaw provides an opportunity at this time, but there should be time to address the issues surrounding increased density;
- There is a large sustainability benefit to be obtained from higher density; and
- A 25-metre building would not exceed the height of the escarpment.

Discussion

Council requested that a strategy be developed to maintain or enhance amenities if Downtown densification increases.

2012-13-11

It was duly moved and seconded
THAT Bylaw 2012-28, a bylaw to amend the Building and Plumbing Bylaw, having been read a first and second time, now be given third reading.

BYLAW 2012-28
AMEND BUILDING AND
PLUMBING BYLAW
THIRD READING

2012-13-12

It was duly moved and seconded
THAT section 7 of Bylaw 2012-28 be amended so that the new
section 102 reads as follows:

Amendment

“102. Notwithstanding section 98 of this bylaw, the requirements for
labelling in section 91 shall come into full force and effect on
and from the 1st day of September, 2013.”

Carried Unanimously

Council discussed reasons why labelling is or is not a good idea for
new buildings, and suggested that postponing the implementation date
will give builders and inspectors an opportunity to ensure that the
system works well. An additional factor is the increased cost to the
home owner if labelling is required. A council member suggested that
there are other corporations in the community that need to be
encouraged to support the labelling provisions.

Discussion

Administration confirmed that:

- The Sustainability Manager would be the most appropriate person
to take the lead on this issue;
- The energy inspectors will not take the place of building inspectors;
- The effect of these regulations on housing prices and the housing
market in general are unknowns at this time.

Council requested that a meeting be scheduled before the end of this
Council's term of office to discuss terms of reference for this project.

Meeting Request

The MAIN MOTION as amended was then voted on and CARRIED
UNANIMOUSLY

Vote on Main Motion

2012-13-13

BYLAW 2012-21

It was duly moved and seconded
THAT Bylaw 2012-21, a bylaw to regulate the control, operation and
use of all-terrain vehicles in the City of Whitehorse, be given second
reading.

ATV BYLAW

SECOND READING

2012-13-14

It was duly moved and seconded
THAT section 2 of All-Terrain Vehicle Bylaw 2012-21 be amended by adding two new definitions as follows:

“GREENBELT” means an area of land generally left in a natural state which is under the ownership or control of the Crown, Commissioner of the Yukon or the City and may be used for passive or active recreation, trails, or buffers, as set out in the City’s Zoning Bylaw;

“OPEN SPACE” means a portion of land not occupied by buildings which is under the ownership or control of the Crown, Commissioner of the Yukon or the City and may be used for gardens, landscaping or passive or active recreation as set out in the City’s Zoning Bylaw;

AND THAT section 2 of Bylaw 2012-21 be amended by deleting the existing definitions for “operate” and “prohibited area” and substituting therefore new definitions as follows:

“OPERATE” means to have physical control and operation of an ATV, whether or not the ATV’s engine is running, and includes the act of driving, parking, pushing, stopping, or towing;

“PROHIBITED AREA” means those areas of the City that are not motorized multiple use trails and on which ATV travel is not allowed, including but not limited to;

Amendment

- (1) a boulevard;
- (2) a campground;
- (3) a cemetery;
- (4) an area designated as environmentally sensitive;
- (5) the Downtown area;
- (6) the Millennium Trail;
- (7) the greenbelt;
- (8) an open space;
- (9) a playground;
- (10) a restricted roadway;
- (11) a roadway;
- (12) a school playground;
- (13) a ski trail;
- (14) open water;
- (15) a motorized multiple use trail which has been permanently or temporarily closed by the City under the authority of the Trail Plan;
- (16) private property for which the operator has not received the permission of the owner; and
- (17) a non-motorized trail.

.../continued

2012-13-14 (Continued)

AND THAT Bylaw 2012-21 be amended by deleting the existing section 6 and substituting therefore a new section 6 as follows:

- “6. A Safe ATV Card shall be issued by the City or a City-approved agency to a person who has paid a fee and has successfully completed and passed:
- (1) Completed and passed an ATV safety course, with a mark of 80% or higher; or
 - (2) has passed, with a mark of 80% or higher, an ATV safety and trail use examination.”

AND THAT Bylaw 2012-21 be amended by deleting the existing section 16 and substituting therefore a new section 16 as follows:

- “16. Notwithstanding any other section of this bylaw, a person may push an ATV in the following prohibited areas if the engine of the ATV has been turned off:
- (1) a boulevard;
 - (2) a campground;
 - (3) an area designated as environmentally sensitive;
 - (4) the Downtown area;
 - (5) the Millennium Trail;
 - (6) a restricted roadway;
 - (7) a roadway;
 - (8) a ski trail;
 - (9) a non-motorized trail.”

Amendment
(Continued)

AND THAT Bylaw 2012-21 be amended by deleting the existing section 28 and substituting therefore a new section 28 as follows:

- “28. No person shall place or cause to be placed in, on or surrounding a motorized multiple-use trail any object including but not limited to rocks, trees, chain, rope, wood, or metal which may in the opinion of the Designated Officer create a hazard for trail users, and in addition to any other penalty or fine imposed for a breach of this bylaw, such person shall be liable for the costs to remove the obstruction.”

Carried Unanimously

Council members discussed reasons for supporting the amendments, and expressed concern that so much detail has to be included in our bylaws to deal with issues that should be a matter of common sense, courtesy and routine safety. Council also reminded the public that the bylaw is a living document that can be amended at a later time if necessary.

Discussion

The MAIN MOTION as amended was then voted on and CARRIED UNANIMOUSLY

Vote on Main Motion

2012-13-15

It was duly moved and seconded THAT Bylaw 2012-32, a bylaw to provide for remuneration for the mayor and councillors for the 2012 to 2015 term of office, be given first reading.

BYLAW 2012-32

COUNCIL REMUNERATION

FIRST READING

Carried Unanimously

2012-13-16

It was duly moved and seconded THAT Bylaw 2012-32 be given second reading.

SECOND READING

Carried Unanimously

Council members expressed satisfaction that the bylaw is being dealt with in a timely fashion before this year's election. A Council member suggested that the system be reviewed to include an independent review that would recommend possible changes when the bylaw comes forward for the 2015 to 2018 term of office.

Discussion

2012-13-17

It was duly moved and seconded THAT Bylaw 2012-35, a bylaw to amend the Official Community Plan to allow for the remediation of the Upper Tank Farm area, be given first reading.

BYLAW 2012-35

O.C.P. AMENDMENT
Upper Tank Farm

FIRST READING

Carried Unanimously

There being no further business, the meeting adjourned at 8:50 p.m.

ADJOURNMENT

ORIGINAL MINUTES SIGNED BY:

"Bev Buckway"

Bev Buckway, Mayor

"Robert I. Fendrick"

Robert I. Fendrick, CGA, City Clerk

ADOPTED by resolution at Meeting #2012-14 passed August 13, 2012