

MINUTES of **REGULAR** Meeting #2012-14 of the council of the City of Whitehorse called for 7:30 p.m. on Monday, August 13, 2012, in Council Chambers, City Hall.

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

ALSO PRESENT: City Manager Stan Westby
Director of Administrative Services Robert Fendrick
Director of Operations Brian Crist

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

CALL TO ORDER

Mayor Buckway introduced the new City Manager, Stan Westby.

New City Manager

2012-14-01

It was duly moved and seconded
THAT the agenda be adopted as amended with the addition of Dorothy
LeBel and Rick Griffiths as delegates, both speaking to the All-Terrain
Vehicle Bylaw.

AGENDA

Carried Unanimously

2012-14-02

It was duly moved and seconded
THAT the minutes of the regular council meeting dated July 23, 2012
be adopted as presented.

MINUTES

July 23, 2012

Carried Unanimously

DELEGATIONS

Keith Lay reiterated his concerns regarding the use of all-terrain
vehicles on paved roadways, and encouraged Council to ban the use
of ATVs in the urban containment boundary. Mr. Lay also urged the
separation of motorized and non-motorized trails and encouraged the
City to do a total cost/benefit analysis of various trails. He also noted
potential difficulties with out and away trails and the education
programs proposed for ATV users.

KEITH LAY
A.T.V. Bylaw

Dorothy LeBel expressed concern with the provisions of section 16 of the bylaw and suggested that areas where pushing is permitted just encourages ATV use. She cited better regulations for ATVs in other jurisdictions, and asked Council to ban the use of ATVs and snowmobiles in the urban containment boundary. She also encouraged the adoption of a minimum age for ATV use, and an education program in schools.

DOROTHY LEBEL
A.T.V. Bylaw

Rick Griffiths expressed concern regarding enforcement of the bylaw, especially on the Millennium Trail and the Rotary Centennial Bridge. He suggested a reconfiguration of the barriers leading to the bridge to better discourage motorized use, and encouraged Council to go ahead with the proposal to delete section 16 from the bylaw.

RICK GRIFFITHS
A.T.V. Bylaw

COMMITTEE REPORTS

Tourism & Economic Development Committee

2012-14-03

It was duly moved and seconded
THAT an allocation of \$3,000.00 from the Heritage Fund be authorized to author Erin McMullan for the completion of the book titled *The Unsinkable Babe Richards*.

AUTHORIZE HERITAGE
FUND ALLOCATION
Babe Richards Biography

Carried (6 – 1)

IN FAVOUR: Mayor Buckway, Councillors Austin, Cameron, Pillai,
Roberts and Stockdale
OPPOSED: Councillor Irwin

Recorded Vote

An activity report for July 2012 was received from Tourism and Economic Development.

ACTIVITY REPORT
For Information Only

Issues Arising from Report

Administration confirmed that:

- the pins being ordered are the new logo pins in accordance with the branding strategy
- the Strategic Sponsorship Policy has been referred back to administration for more work.

New Pins

Sponsorship Policy

Administrative Services Committee

2012-14-04

It was duly moved and seconded
THAT per diem expenses, funded from Councillor-initiated travel, be authorized for Councillor Cameron and Councillor Irwin to attend the fall meeting of the Association of Yukon Communities to be held in Whitehorse in September.

AUTHORIZE COUNCIL
PER DIEMS
A.Y.C. MEETING

Carried Unanimously

2012-14-05

It was duly moved and seconded
THAT travel expenses be authorized for Mayor Buckway to attend the Economic Edge Conference in Calgary, Alberta in October.

AUTHORIZE MAYOR'S
TRAVEL
Economic Edge
Conference

Carried Unanimously

Council expressed satisfaction with the fact that the City of Whitehorse is recognized by other municipalities and organizations for its innovative and sustainable practices.

Discussion

Activity reports for July 2012 were received from the Financial Services, Information Systems and Public Relations Departments.

ACTIVITY REPORTS
For Information Only

City Planning Committee

Mr. Michael Kokiw, Executive Director of the Yukon Chamber of Mines, addressed the Committee to provide a brief overview of the Chamber and remind Council that mining and exploration has historically been the economic backbone of the Yukon. Mr. Kokiw stated that the Chamber and its members are extremely concerned that the new Zoning Bylaw passed without the revisions suggested by the mineral industry. Mr. Kokiw asserted that the bylaw as passed does not provide a reasonable mechanism for a claim holder to have access to and on an existing claim unless the claim is in an area designated Industrial or Future Planning in the Official Community Plan. The result is that some existing claim holders may now have to apply for a zoning change or Official Community Plan revision prior to accessing their pre-existing claims and mineral rights. Mr. Kokiw asked why the recommendations put forward by the mineral industry and the Government of Yukon were not recognized as part of the bylaw process, and also asked what action and time frame the City is proposing to deal with this issue. He further asked for information on how the City plans to deal with immediate and potential legal concerns.

MINING ACTIVITY &
THE ZONING BYLAW
For Information Only

2012-14-06

It was duly moved and seconded
THAT Bylaw 2012-34, a bylaw to rezone 9 Gibbons Place in Porter
Creek to allow for the development of a major home-based business
in an accessory building, be brought forward for second and third
reading under the bylaw process; and

BRING FORWARD
ZONING AMENDMENT
9 GIBBONS PLACE

THAT the bylaw be amended at second reading to reflect Zoning
Bylaw 2012-20.

Carried Unanimously

2012-14-07

It was duly moved and seconded
THAT Bylaw 2012-36, a bylaw to rezone a parcel of land in the Fish
Lake Road area to allow for a country residential development, be
brought forward for due consideration under the bylaw process.

BRING FORWARD
ZONING AMENDMENT
FISH LAKE ROAD

Carried Unanimously

Council members expressed some concern regarding the crossing of
McIntyre Creek to allow for power to be supplied to this development.

Discussion

2012-14-08

It was duly moved and seconded
THAT Bylaw 2012-37, a bylaw to amend the zoning of four lots
located on Hillcrest Drive in Hillcrest to allow for the development of
16 townhouse units, be brought forward for due consideration under
the bylaw process.

BRING FORWARD
ZONING AMENDMENT
HILLCREST DRIVE

Carried Unanimously

Council asked for more information on the differences between the
existing and proposed zoning, the amenity space provisions of the
proposed development, the impact on the neighbourhood, and the
relocation of existing residents.

Discussion

An activity report for July 2012 was received from Planning and
Development Services

ACTIVITY REPORT
For Information Only

City Operations Committee

2012-14-09

It was duly moved and seconded
THAT the contract for Electrical and Mechanical Upgrades for the
2012 Clyde Wann Lift Station Upgrade Project be awarded to Arcrite
Northern Ltd. for a net cost to the City of \$146,555.55; and

THAT the Capital Budget be amended by increasing project
240c02109, Lift Station Wet Well Upgrades, in the amount of
\$175,000.00, funded from the General Reserve; and

THAT an administrative revision to the Capital Budget be approved
to reduce the funding from the General Reserve and increase the
funding from Gas Tax in the event that the City's application to Gas
Tax is approved.

Carried Unanimously

CONTRACT AWARD
ELECTRICAL AND
MECHANICAL
UPGRADES FOR
CLYDE WANN
LIFT STATION

Administration confirmed that the City has received agreement in
principal on the proposal to use Gas Tax Funds for this project, but
final approval has not been received.

Discussion

Activity reports for July 2012 were received from the Director of
Operations, Engineering Services, Environmental Services,
Maintenance and Safety Services, Public Works and Sustainability.

ACTIVITY REPORTS
For Information Only

Community Services Committee

Representatives of various groups offering dog training in the City
addressed the Committee to protest the move to eliminate animals
from City operated facilities. The City announced last week that all
City-operated facilities will be closed to animals as part of a plan to
reduce allergy factors and make city facilities more accessible for all
citizens. This means that the mezzanine space in the Takhini Arena
will no longer be available to animal groups. The following persons
appeared to speak to the issue:

Andrew Richardson, Whitehorse Woofers Dog Club
Erika Rozsa-Atkinson, Canines and Company
Wendy Arcand, Whitehorse Canine Performance Group
Glenn Wadsworth, Cornelia Tegart and Keith Tegart, Yukon Kennel
Club
Naomi Smith, Yukon Schutzhund Association
Sabine Almstrom and Laura Priestley, Trainers at Large

ANIMALS IN CITY-
OPERATED FACILITIES
For Information Only

The delegates cited a number of issues and concerns, including:

- There is a long precedent of being able to use the premises and there are many success stories arising from the training being provided, including major shows and events, as well as responsible dog ownership locally
- No good reason has been provided by the City as to why the current space can no longer be used
- Allergies and other health issues were not cited until last week's press release
- No good alternative space has been identified, in spite of City assistance and the identification of a number of potential sites
- The price of rent has been a barrier to attaining private space as the cost of an appropriate space is prohibitive
- A potential facility has been located; however, it is pending approval from Environmental Health
- A lack of suitable training space means that many valuable characteristics of good dog behaviour may be lost
- Not being able to use a training facility all year may potentially lead to neglect to of dogs and may put some dogs in danger
- The training offered at the existing facility is very valuable and provides a great service to the community
- Allowing service dogs but not allowing the users in the Mezzanine suggests a double standard
- The allergy argument is not valid because exposure to allergens can occur anywhere
- The Mezzanine should be opened for at least another season and the groups would be willing to work together to arrive at a good solution
- The Good Canine standards and tests are being provided by the clubs and to do so requires training space; therefore an extension on the use of the current space is necessary

ANIMALS IN CITY-
OPERATED FACILITIES
For Information Only
(Continued)

The delegates suggested that one municipal space should be provided to carry on the good work the groups are doing, at least until another suitable space can be identified. They noted that other jurisdictions use a variety of spaces but it is not known if municipalities in those jurisdictions provide the service or if it is provided by the private sector. It was also noted that there is no one overall organization in Whitehorse that speaks for all dog groups, and there may be a reluctance to create one due to the extra commitment that it may entail. There has been some discussion about hiring someone to source space, but this has not been done.

.../continued

The Committee asked for more information from the groups on why the potential spaces identified were not suitable, and asked each presenter if they have sought outside or additional funding.

It was also noted that some grants that have been looked at are very specific and not applicable, and one CDF application was denied. It was also noted that both CDF and Lotteries funding have been variously looked at over the years

The Committee questioned whether it would be a viable option for the City to assist the groups by subsidizing them in attaining a private facility. The Committee also noted that a strategy could be put together to attain a location as well as funding.

The Committee was supportive of administration helping the groups in trying to negotiate through Yukon Government requirements. In response to a query regarding the best next step, the delegates stated that an extension on the use of the mezzanine space is the first requirement. Then they could work on forming an umbrella group to try and address the problem. The Committee noted that it is relatively straightforward to unify the groups as an association, and this might open many funding doors

The Committee commended the dog handlers and all the delegates that appeared for their decorum and their presentations.

ANIMALS IN CITY-
OPERATED FACILITIES
For Information Only
(Continued)

2012-14-10

It was duly moved and seconded

THAT in-kind requests for free access to Whitehorse Transit service and the Canada Games Centre be approved for City Chase participants during the City Chase Canadian Championships being held in Whitehorse September 28 and 29, 2012; and

SUPPORT FOR CITY
CHASE CHAMPIONSHIPS

THAT non-exclusive use of Shipyards Park, Rotary Peace Park and the Fire Training Facility be approved for specific City Chase event activities.

Carried Unanimously

Council asked for more information regarding return on investment for future events that may be coming forward for City support.

Discussion

Activity reports for July 2012 were received from Parks and Recreation, Indoor Facilities, and the Transit Department.

ACTIVITY REPORTS
For Information Only

Issues Arising from Reports

The Committee commended the work being done in Rotary Peace Park and on the Handy Bus Contribution Agreement. The Committee noted that increased transit hours should be looked at in terms of the take-up on ridership.

Transit Issues

Public Health and Safety Committee

Keith Lay addressed the Committee to reiterate some concerns regarding the proposed new All-Terrain Vehicle Bylaw, specifically with respect to the “walking” provisions as well as the unsuitability of operating ATVs on paved roadways.

KEITH LAY &
RICK GRIFFITHS
A.T.V. BYLAW
For Information Only

Rick Griffiths also spoke to the proposed bylaw, stating that he supports the removal of the 'walking' provisions from the Millennium Trail and the environmental areas. He also questioned whether persons would actually walk their ATVs, given human nature.

Activity reports for July 2012 were received from Bylaw Services and the Fire Department.

ACTIVITY REPORTS
For Information Only

Issues Arising from Reports

The Committee asked for more information on bicycle enforcement, especially on the Robert Campbell Bridge, and for any information regarding traffic counts on the Rotary Centennial Bridge.

Enforcement Issues

New Business

The Committee asked administration to investigate applying “scent-free” regulations for City facilities.

Scent-Free Facilities

The Committee asked for more information regarding enforcement with respect to partying, noise-making and vandalism associated with the park at the end of Main Street, and asked that the RCMP be requested to provide more enforcement in the area.

Downtown Enforcement

BYLAWS

2012-14-11

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, having been read a first and second time, now be given third reading.

BYLAW 2012-21
ATV BYLAW
THIRD READING

2012-14-12

It was duly moved and seconded
THAT Bylaw 2012-21 be amended by deleting the existing section 16
and renumbering the remaining sections accordingly;

AND THAT the existing section 17 of Bylaw 2012-21 be amended by
adding a new subsection (5) that reads as follows:

Amendment

“17. (5) The operator shall not drive the ATV in any area described
in Schedules “A” and “B” of this bylaw unless a permit or
permission has been provided as outlined in this bylaw.

Carried Unanimously

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

Vote on Main Motion

Council commended the delegates for their ongoing participation in the
development of this bylaw. Administration confirmed that the City is
working with the Government of Yukon with respect to enforcement,
and that the Riverdale Community Association was involved in the
discussions regarding the designation of trails in their area.

Discussion

2012-14-13

It was duly moved and seconded
THAT Bylaw 2012-32, a bylaw to provide for remuneration to be paid to
the mayor and councillors, having been read a first and second time,
now be given third reading.

BYLAW 2012-32

MAYOR & COUNCIL
REMUNERATION

Carried Unanimously

THIRD READING

2012-14-14

It was duly moved and seconded
THAT Bylaw 2012-34, a bylaw to rezone the property at 9 Gibbons
Place in Porter Creek, be given second reading.

BYLAW 2012-34

ZONING AMENDMENT
9 Gibbons Place

Carried Unanimously

SECOND READING

2012-14-15

It was duly moved and seconded
THAT the heading of Bylaw 2012-34 be amended to read, “A bylaw to
amend Bylaw 2012-20”; and

Amendment

THAT the preamble portion of section 1 of Bylaw 2012-34 be amended
to read, “Section 9.2.7 of Zoning Bylaw 2012-20 is hereby amended by
adding a new subsection (e) as follows:”

Carried Unanimously

