

MINUTES of **REGULAR** Meeting #2012-17 of the council of the City of Whitehorse called for 7:30 p.m. on Monday, September 24, 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 Corporate Services Robert Fendrick
Director of Infrastructure and Operations Brian Crist
A/Director of Development Services Mike Gau
A/Director of Community and Recreation Services Linda Rapp

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

CALL TO ORDER

2012-17-01

It was duly moved and seconded
THAT the agenda be adopted as amended with the addition of Jean-Paul Molgat, Cam Kos, Jan Brault, Laura Markle and Cameron Eckert as delegates speaking to the zoning and Official Community Plan amendments.

AGENDA

Carried Unanimously

PROCLAMATIONS

Mayor Buckway proclaimed September 28 to 30, 2012 to be Culture Days in the City of Whitehorse.

CULTURE DAYS

Mayor Buckway proclaimed October 1 to 7, 2012 to be National Family Week in the City of Whitehorse.

FAMILY WEEK

2012-17-02

It was duly moved and seconded
THAT the minutes of the regular council meeting dated September 10, 2012 be adopted as presented.

MINUTES

September 10, 2012

Carried Unanimously

DELEGATIONS

Mayor Buckway called three times for anyone to appear to address the Conditional Use Application for a lease agreement with the Yukon Horse and Rider Association for the former KMA Speedway site. There was no one present to address the application. Four written submissions were received – two in favour, one opposed, and one expressing some concerns.

PUBLIC INPUT

CONDITIONAL USE
HORSE AND RIDER
ASSOCIATION LEASE

Jean-Paul Molgat, President of the Hillcrest Community Association, addressed Council to reiterate the concerns regarding the potential impacts of the remediation and quarry work at the Upper Tank Farm. He suggested that the proposed reconsideration of the motion to postpone the OCP amendment may not be authorized by the *Municipal Act*. He contended that the public does not have enough information with respect to a project of this scope and size, and stated the opinion that it is not prudent to proceed at this time.

JEAN-PAUL MOLGAT
Upper Tank Farm

Cam Kos reiterated his commitment to affordable housing units and stated that other jurisdictions have legislation in place that prevents developing rental units into condominiums.

CAM KOS
Conversion of Rental Units
To Condominiums

Mr. Kos also expressed concern regarding the proposed lease with Bell Mobility for a communications tower. He suggested that this lease is not a good deal for the City, as other jurisdictions are currently charging significantly more for space for their towers.

Bell Mobility Lease

Janet Brault expressed concern with the process regarding proposed Hillcrest Drive townhouse development. She noted that the public commented on the proposal presented in the bylaw, and now administration is recommending a change to the bylaw. She suggested that the whole process should start again to give the public a chance to comment properly on the new proposal.

JANET BRAULT
Hillcrest Drive Rezoning

Laura Markle expressed concern that the Official Community Plan is not being followed with respect to the new townhouse proposal in Hillcrest. She stated the opinion that the Hillcrest Neighbourhood needs a plan in place before any new development is contemplated.

LAURA MARKEL
Hillcrest Drive Rezoning

Cameron Eckert, representing the Yukon Bird Club, asked Council to defeat the proposed Zoning Amendment for the development of a residence in the Fish Lake Road area. He stated that the Society supports the idea of the City purchasing the property in order to keep it as a wilderness area, as any new development in this area will contribute to the incremental “chipping-away” of wildlife habitat.

CAMERON ECKERT
Fish Lake Road Area
Rezoning Application

COMMITTEE REPORTS

Tourism & Economic Development Committee

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

No Report

Administrative Services Committee

2012-17-03

It was duly moved and seconded
THAT Bylaw 2012-39, a bylaw to amend the Fees and Charges Bylaw, be brought forward for due consideration under the bylaw process

BRING FORWARD
BYLAW 2012-39

Carried Unanimously

New Business

The Committee congratulated Mayor Buckway on being the recipient of the Queen's Jubilee Medal for her long and exemplary service to the City of Whitehorse and the Yukon.

MAYOR RECEIVES
JUBILEE MEDAL

Councillor Pillai announced that he will not be running for a position on Council in the upcoming municipal election. He commended Council and administration and commented positively on the health of the organization. He especially commended senior management and the Planning Department

COUNCILLOR PILLAI
WILL NOT RUN FOR
RE-ELECTION
For Information Only

City Planning Committee

2012-17-04

It was duly moved and seconded
THAT Bylaw 2012-35, a bylaw to amend the OCP to allow for temporary remediation and quarrying activities in the Upper Tank Farm area, be brought forward for second reading under the bylaw process; and

BRING FORWARD
BYLAW 2012-35
AND AMEND AT
SECOND READING

THAT Bylaw 2012-35 be amended at second reading to include a new policy that will allow Council to attach conditions to the project as detailed in the administrative report dated September 17, 2012.

Council members acknowledged the need for the land to be remediated, but discussed the need to address concerns expressed by the residents of adjacent neighbourhoods. It was noted that the Yukon Environmental and Socio-economic Assessment Board (YESAB) is holding hearing on this issue in a concurrent process.

Discussion

2012-17-05

It was duly moved and seconded
THAT further consideration of Official Community Plan amendment Bylaw 2012-35 be postponed pending receipt of the Yukon Environmental and Socio-economic Assessment Board decision document.

Motion to Postpone

Carried (4 – 3)

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

Recorded Vote

2012-17-06

It was duly moved and seconded
THAT Bylaw 2012-36, a bylaw to change the zoning of Lot 1244 in the Fish Lake Road area to Country Residential 1, be brought forward under the bylaw process and defeated at second reading; and

BRING FORWARD
BYLAW 2012-36
AND DEFEAT AT
SECOND READING

THAT administration be directed to enter into discussions for purchase of the property, so that it may be retained as a wilderness area.

Council members discussed the fact that there may be other options that would allow the proponent to proceed with a smaller footprint, or that there may be a possibility for a land swap which would see the proponent being offered another parcel in exchange for this parcel. Some concern was expressed that the recommended option may present some legal liability to the City.

Discussion

2012-17-07

It was duly moved and seconded
THAT further consideration of Zoning Amendment Bylaw 2012-36 be postponed for two weeks to allow time for additional discussions with the proponent.

Motion to Postpone

Carried (5 – 2)

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

Recorded Vote

2012-17-08

It was duly moved and seconded
THAT Bylaw 2012-37, a bylaw to amend the zoning of four lots on Hillcrest Drive to allow for townhouse development, be brought forward for due consideration of second and third reading under the bylaw process; and

BRING FORWARD
BYLAW 2012-37
AND AMEND AT
SECOND READING

THAT Bylaw 2012-37 be amended at second reading to restrict the proposal to triplex development.

Defeated (6 – 1)

IN FAVOUR: Councillors Austin, Cameron, Irwin, Pillai, Roberts,
and Stockdale

Recorded Vote

OPPOSED: Mayor Buckway

2012-17-09

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

BRING FORWARD
BYLAW 2012-37

Carried Unanimously

Notice was given that administration will bring forward a conditional use application to facilitate the relocation of the Yukon Horse and Rider Association to the former KMA Speedway site located between the Cowley Creek and Mary Lake Subdivisions. The Horse and Rider Association currently leases City property in the Whistle Bend area, and relocating the organization from the existing site will facilitate further development in the Whistle Bend area.

The former KMA Speedway site is a large, mostly cleared area with direct access from the Alaska Highway. The site is currently zoned Future Planning, and outdoor participant recreation services are included as a conditional use in this zone. The conditional use process allows Council to carefully consider if the use is appropriate for the area or if it may impact long-term planning or use of the area.

NOTICE GIVEN OF
CONDITIONAL USE
APPLICATION FOR THE
HORSE AND RIDER
ASSOCIATION
(KMA Speedway Site)
For Information Only

Heidi Neufeld addressed the Committee on behalf of the Horse and Rider Association to express the Association's support for the proposed relocation. She noted that the Association would make the site available to other users if the initial arrangements are successful.

A public input session with respect to this application is scheduled for the regular Council meeting on Monday, September 24.

2012-17-10

It was duly moved and seconded
THAT Bylaw 2012-40, a bylaw to authorize a lease agreement with
Bell Mobility Inc. for the location of a communications tower on
Selkirk Street in Riverdale, be brought forward for due consideration
under the bylaw process.

BRING FORWARD
LEASE BYLAW 2012-40
(Bell Mobility Tower)

Carried Unanimously

New Business

Administration clarified that the cabling work currently being done on
Mountainview Drive is to provide communications for Whistle Bend

Cabling Work

City Operations Committee

Administration confirmed that Annie Lake Trucking has not applied to
install a sign on Robert Service Way.

Sign Application

The Committee asked for more information on when the guard rails
will be installed in the new development area in Crestview, and
commended the work done on Clyde Wann Road and the adjacent
trail.

Road Work

Community Services Committee

Sharon Hickey addressed the Committee on behalf of Options for
Independence, requesting the City's assistance to fund a sprinkler
system and elevator for a building project on Fourth Avenue. The
building is intended for use by persons with disabilities, and the
Society is also requesting that the City waive the cost of the
Development Permit and the Building Permit, and provide the water
and sewer services. The approximate cost of the requested funding
would be \$61,000.00.

OPTIONS FOR
INDEPENDENCE
REQUEST FOR
FUNDING
For Information Only

Tracey Wallace addressed the Committee on behalf of the Yukon
Anti-Poverty Coalition, requesting the City's support for Poverty and
Homelessness Action Week which takes place this year October 15th
to 19th. The theme this year is "Mind the Gap", to further the
message that the health and well-being of our communities, our
societies and our people is dependent on greater equality. The
Coalition is requesting that the City allow free transit use for
participants on Friday, October 19.

YUKON ANTI-POVERTY
COALITION REQUEST
FOR SUPPORT
For Information Only

2012-17-11

It was duly moved and seconded
THAT the 2012 ATV Trail Map be approved as Appendix V(b) in the
City of Whitehorse Parks and Recreation Trail Plan.

ADOPT ATV TRAIL
PLAN MAP

Carried Unanimously

Public Health and Safety Committee

There was no report from the Public Health and Safety Committee.

No Report

BYLAWS

2012-17-12

It was duly moved and seconded
THAT Bylaw 2012-37, a bylaw to change the zoning of four lots on
Hillcrest Drive to allow for townhouse development, be given second
reading.

BYLAW 2012-37
ZONING AMENDMENT
(Hillcrest Drive)
SECOND READING

2012-17-13

It was duly moved and seconded
THAT section 1 of Bylaw 2012-37 be amended by deleting the
existing subsection (a) and substituting therefore new subsections
(a) and (b) as follows:

- (a) Lots 110, 111 and 114, Plan 30131 (122, 123, 124, 125, 130
and 131 Hillcrest Drive) are hereby designated RCTx –
Comprehensive Residential Townhouse (restricted), with the
special provision being that the minimum lot width is 7.24
meters.”
- (b) Lot 113, Plan 30131 (128 and 129 Hillcrest Drive) is hereby
designated RCTx – Comprehensive Residential Townhouse
(restricted), with the special provision being that the minimum
lot width is 6.80 meters.”

Amendment

Defeated (4 – 3)

The MAIN MOTION was then voted on and CARRIED

Vote on Main Motion

2012-17-14

It was duly moved and seconded
THAT third reading of Bylaw 2012-37 be postponed to the next regular
Council meeting on October 9, 2012.

Motion to Postpone

Carried

2012-17-15

It was duly moved and seconded
THAT Bylaw 2012-39, a bylaw to amend the Fees and Charges Bylaw,
be given first reading.

Carried Unanimously

BYLAW 2012-39

FEES & CHARGES

FIRST READING

2012-17-16

It was duly moved and seconded
THAT Bylaw 2012-39 be given second reading.

Carried Unanimously

SECOND READING

2012-17-17

It was duly moved and seconded
THAT Bylaw 2012-40, a bylaw to authorize a lease agreement with Bell
Mobility Inc., be given first reading.

Carried Unanimously

BYLAW 2012-40

BELL MOBILITY LEASE

FIRST READING

Council members discussed the terms of the lease and expressed concern regarding the low rental rate and the service provisions for City attachments to the tower. Administration confirmed that a third party negotiated the lease on behalf of the City, and that staff could enter into further negotiations. Some concern was also expressed that the City does not have a development company to pursue revenue opportunities.

Discussion

2012-17-18

It was duly moved and seconded
THAT second reading of Bylaw 2012-40 be postponed pending further
discussions with the lessee.

Carried Unanimously

Motion to Postpone

There being no further business, the meeting adjourned at 10:25 p.m.

ADJOURNMENT

ORIGINAL MINUTES SIGNED BY:

"Bev Buckway"

Bev Buckway, Mayor

"Valerie Anderson"

Valerie Anderson, Acting City Clerk

ADOPTED by resolution at Meeting #2012-18 dated October 9, 2012