

MINUTES of **REGULAR** Meeting #2012-18 of the council of the City of Whitehorse called for 7:30 p.m. on Tuesday, October 9, 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 Infrastructure and Operations Brian Crist
Acting Director of Corporate Services Valerie Anderson
Acting Director of Community and Recreation Services Linda Rapp
Acting Manager of Development Services Mike Ellis

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

CALL TO ORDER

2012-18-01

It was duly moved and seconded THAT the agenda be adopted as amended with the addition of Jean-Paul Molgat, Jim Gilpin and Kirn Dhillon as delegates speaking to the Zoning Amendment for Hillcrest Drive Townhouses, Heather Swystun and Karen Baltgalis as delegates speaking to the Tank Farm Official Community Plan amendment, and Cam Kos speaking to the Bell Tower Lease Agreement.

AGENDA

Carried Unanimously

2012-18-02

It was duly moved and seconded THAT the minutes of the regular council meeting dated September 24, 2012 be adopted as presented.

MINUTES

September 24, 2012

Carried Unanimously

DELEGATIONS

Paramjit Sidhu spoke in favour of proceeding with the Tank Farm amendment. He addressed some of the concerns raised by Hillcrest residents and noted that the time frame could be shortened depending on how the work is done.

PARAMJIT SIDHU
Tank Farm Remediation

Heather Swystun, representing the Hillcrest Community Association, asked Council not to proceed with reconsidering their decision to postpone further consideration of the Tank Farm Official Community Plan amendment. She stated the opinion that it is in the best interest of the public and the proponent for Council to wait for the release of the YESAB decision before proceeding any further with this issue

HEATHER SWYSTUN
Tank Farm Remediation

Karen Baltgalis, representing the Yukon Conservation Society, stated that the Society is concerned that the remediation of the Tank Farm area needs to happen in the best possible way both for the environment and for the adjacent residents. She recommended that administration's new recommendations be followed, including two year permits, and requiring a bond from the proponent. The Society also recommends that the City not make any decisions on a subsequent zoning amendment for this property until after the release of the YESAB decision and the proponent has filed a restoration plan.

KAREN BALTGALIS
YUKON CONSERVATION
SOCIETY
Tank Farm Remediation

Jean-Paul Molgat, representing the Hillcrest Community Association, reiterated the Association's concern that a comprehensive Hillcrest Planning Project should be completed before any spot rezoning occurs.

JEAN-PAUL MOLGAT
Hillcrest Drive Townhouses

Jim Gilpin expressed support for a development plan for the Hillcrest Neighbourhood before allowing any zoning changes. He suggested that higher density developments could be included as part of the development plan and urged Council to postpone third reading of the bylaw until the plan is complete.

JIM GILPIN
Hillcrest Drive Townhouses

Kirn Dhillon, the proponent for the development, showed photos of parking, height, and density mixes in various areas of Whitehorse that are comparable to the development he is proposing on Hillcrest Drive. Mr. Dhillon suggested that it is speculative to suggest that parking will be an issue as a result of his project, and asked Council to proceed with third reading of the bylaw so that he can proceed with the project.

KIRN DHILLON
Hillcrest Drive Townhouses

Cam Kos suggested to Council that there are several unanswered questions with respect to the proposed lease with Bell Mobility for a cell tower in Riverdale, including radio frequency, power output, and Industry Canada standards. He noted that the City has a Lease, Encroachment, and Property Use policy in place that should be considered before making a decision to lease the property to Bell.

CAM KOS
Bell Mobility Lease

COMMITTEE REPORTS

Tourism & Economic Development Committee

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

ACTIVITY REPORT
For Information Only

Issues Arising from Report

The Committee asked for more details on visitor stats at the City's information centre, and requested that attempts to obtain sponsorships be sensitive to the initiatives of other City stakeholders.

Various Issues

Administrative Services Committee

Activity reports for September 2012 were received from the City Manager, the Director of Administrative Services, and the Financial Services, Human Resources, and Public Relations Departments.

ACTIVITY REPORTS
For Information Only

Issues Arising from Reports

The City Manager advised that the NANOOK 13 EMO exercise will require funding, but the amount required is not known at this time. Funding will be sought from the federal government for this initiative. The Committee noted that it has been a significant length of time since an exercise with Council involvement has been held.

EMO Exercise

Administration advised that the City phone list is available on-line on City computers, and the Committee asked for more information on plans to make the phone list available on the website.

City Phone List

City Planning Committee

Jean-Paul Molgat, President of the Hillcrest Community Association, expressed concern regarding the Mayor's intention to ask Council to reconsider the resolution postponing second reading of the bylaw to amend the Official Community Plan to allow temporary remediation and quarrying activities in the Upper Tank Farm Area. He contended that if Council reconsiders this motion they are circumventing the OCP amendment process and pursuing a course of action that may not be authorized by the *Municipal Act*. Mr. Molgat reiterated the opinion that the City should wait for the completion of the YESAB review before committing itself to an Official Community Plan amendment. He also asked if there was new information available to Council to justify a re-consideration.

JEAN PAUL MOLGAT
Tank Farm Remediation

Administration advised that the timeline for a YESAB review and the OCP amendment process is about six months, and in terms of a building season; a year could be lost for a development if the processes do not run concurrently. Administration also noted that there is a further Zoning amendment process followed by a development agreement timeline. Therefore, where ever possible, it is recommended to run processes concurrently

Tank Farm Remediation
(Continued)

Paramjit Sidhu addressed the Committee in support of the Tank Farm proposal. He noted that this parcel has been undeveloped for a long time and their group has worked diligently to put all the pieces together to facilitate the rehabilitation and redevelopment process. Mr. Sidhu expressed concern with Council's decision to delay the Official Community Plan amendment and noted that any delays will jeopardise the overall project and seriously impact the project's viability. He stated that there is a significant investment involved and time delays will cause financial duress for the project. Mr. Sidhu encouraged the City to allow the initiative to proceed. He also advised that the proponents will be hosting an Open House to explain the whole project.

PARAMJIT SIDHU
Tank Farm Remediation

2012-18-03

It was duly moved and seconded
THAT the Conditional Use application to allow the relocation of the Yukon Horse and Rider Association to the former KMA Speedway site be approved with the condition that no onsite operation other than storage may occur until authorization for access from the Alaska Highway is granted by Yukon Government Highways and Public Works, or is determined not to be necessary.

APPROVE WITH
CONDITIONS THE
CONDITIONAL USE
APPLICATION FOR THE
HORSE AND RIDER
ASSOCIATION LEASE

Carried Unanimously

2012-18-04

It was duly moved and seconded
THAT Bylaw 2012-41, a bylaw to amend zoning of several Kwanlin Dün First Nation lots along Macaulay Road and Wylie Crescent in the McIntyre Subdivision to allow for the development of 38 residential lots and one future community park site, be brought forward for due consideration under the bylaw process.

BRING FORWARD
ZONING AMENDMENT
FOR KDFN LANDS

Carried Unanimously

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

ACTIVITY REPORT
For Information Only

NOTICE OF MOTION

Mayor Buckway presented notice of a motion as follows:

TAKE NOTICE THAT I, Mayor Bev Buckway, will bring forward at the next regular meeting of Council on October 9, 2012 a motion to reconsider Resolution 2012-17-05 that was passed by Council on September 24, 2012.

RECONSIDER
RESOLUTION 2012-17-05
(Tank Farm OCP
Amendment)

The motion to be reconsidered is:

“THAT further consideration of Official Community Plan amendment Bylaw 2012-35 be postponed pending receipt of the YESAB decision document.”

City Operations Committee

Activity reports for September 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

Issues Arising from Reports

The Committee asked for more information on Whistle Bend lots sales and construction status, and on the bridge inspections.

Administration confirmed that there are funds budgeted in 2013 for Hillcrest pre-design work, and that further budget requests will be submitted for construction work in the next few years.

Various Issues

The Committee commended the work being done on the Bell Tower lease and also commended the patching work being done on City roads.

Community Services Committee

2012-18-05

It was duly moved and seconded
THAT a grant not to exceed \$30,500.00 be authorized to the Options for Independence Society, funded from Council's donations account, for the purpose of supporting a 14-unit supported housing development on Fourth Avenue with respect to development permit, building permit and water and sewer installation fees; and

GRANT TO THE OPTIONS
FOR INDEPENDENCE
SOCIETY

THAT Council's Donations Account be increased by \$30,500.00, funded from the General Reserve in the amount of \$20,500.00, and from the Water and Sewer Reserve in the amount of \$10,000.00.

2012-18-06

It was duly moved and seconded
 THAT the motion to authorize a grant to the Options for Independence Society be amended by increasing the grant amount to \$61,000.00; and

Amendment

THAT Council's Donations Account be increased by \$61,000.00, with funding from the General Reserve in the amount of \$51,000.00 and funding from the Water and Sewer Reserve in the amount of \$10,000.00.

Carried (4 – 3)

The Main Motion as amended was then voted on and Carried (4 – 3)

Vote on Main Motion

Administration confirmed that the Options for Independence Society is also working on an application under the Development Incentives Policy for a refund on the taxes for this project.

Discussion

2012-18-07

It was duly moved and seconded
 THAT Festivals and Special Events Fund grants be approved in the amount of \$25,000.00 in cash grants and \$40,060.00 in value-in-kind grants:

<u>Grant Recipient</u>	<u>Cash</u>	<u>In-Kind</u>
Adaka Cultural Festival		
2013 Adaka Cultural Festival	\$4,000.00	\$5,290.00
Frostbite Music Society		
Frostbite Music Festival	\$4,000.00	\$300.00
Yukon Bluegrass Music Society		
Bluegrass Festival	\$3,000.00	--
Yukon Educational Theatre		
Burning Away the Winter Blues	\$1,000.00	\$1,820.00
Yukon Film Society		
Available Light Festival	\$ 3,000.00	--
Yukon Quest International Association		
2013 Quest Sled Dog Race	\$5,000.00	\$9,650.00
Yukon Sourdough Rendezvous		
2013 Rendezvous Festival	\$5,000.00	\$23,000.00
Totals:	\$25,000.00	\$40,060.00

FESTIVALS AND
 SPECIAL EVENT
 GRANTS

Carried Unanimously

Council requested that the new city council reassess the funding for the Sourdough Rendezvous.

Discussion

Activity reports for September 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 Transit stats and asked for more information on the ongoing project with bus service to Yukon Education Services. Administration explained that the work is ongoing on the large employer project because it involves finalizing a pass system that works for the employers.

Transit Issues

The Committee asked for more information regarding the Sports Day at the Canada Games Centre.

Sports Day

Administration confirmed that a pre-winter litter clean up will be undertaken with community groups.

Litter Clean Up

Public Health and Safety Committee

Mr. Tim Kucharuk addressed the Committee to highlight ongoing problems with security and safety in the downtown Whitehorse area. Mr. Kucharuk encouraged the addition of an additional police officer, security cameras, and other security measures that might help improve the situation. He confirmed that recent activity has indicated the problem is getting worse.

TIM KUCHARUK
Downtown Safety

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

ACTIVITY REPORTS
For Information Only

Issues Arising from Reports

The Committee commended the trail patrols and the charges laid with respect to violations, and asked for details with respect to the complaints received via telephone and links from the website.

Administration confirmed that the snowmobile campaign will be under way shortly. The Committee commended the on-line snowmobile testing package, noting that it includes both safety and awareness components.

Various Bylaw Issues

The Committee asked for more information with respect to the activity report from the Fire Department.

Fire Department Issues

NEW & UNFINISHED BUSINESS

2012-18-08

It was duly moved and seconded
THAT Council reconsider Resolution 2012-17-05 which reads,
“THAT further consideration of Official Community Plan amendment
Bylaw 2012-35 be postponed pending receipt of the YESAB decision
document.”

MOTION TO
RECONSIDER
RESOLUTION 2012-07-05

Carried (5 – 2)

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

Recorded Vote

OPPOSED: Councillors Irwin and Stockdale

2012-18-09

It was duly moved and seconded
THAT further consideration of Official Community Plan amendment
Bylaw 2012-35 be postponed pending receipt of the YESA decision
document.

RECONSIDERATION

Defeated (2 – 5)

IN FAVOUR: Councillors Irwin and Stockdale

OPPOSED: Mayor Buckway, Councillors Austin, Cameron, Pillai
and Roberts

Recorded Vote

2012-18-10

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
AND AMEND BYLAW
2012-35 – OCP
AMENDMENT, UPPER
TANK FARM AREA

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.

Carried Unanimously

Council agreed to add Second Reading of Bylaw 2012-35 to the Bylaw
portion of the agenda following third reading of Bylaw 2012-40.

Add to Bylaw Section

2012-18-11

It was duly moved and seconded
THAT the capital budget be amended by increasing the funding for the Hillcrest planning project by \$20,000, funded from the General Reserve.

BUDGET AMENDMENT
FOR HILLCREST
PLANNING

Carried Unanimously

Council asked administration to engage the community and build some consensus in the near future.

Discussion

BYLAWS

2012-18-12

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

BYLAW 2012-37

ZONING AMENDMENT
Hillcrest Drive Townhouses

THIRD READING

2012-18-13

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

“(a) Lots 110, 111, 113 and 114, Plan 30131 (122, 123, 124, 125, 128, 129, 130, and 131 Hillcrest Drive) are designated RCTx–Comprehensive Residential Townhouse (restricted), with the special provision being that only community gardens and greenhouses, parks and triplex housing are permitted as principal uses.”

Amendment

Carried (5 – 2)

The main motion as amended was then voted on and Carried (5 – 2).

Vote on Main Motion

2012-18-14

It was duly moved and seconded
THAT Bylaw 2012-39, a bylaw to amend the Fees and Charges Bylaw, having been read a first and second time, now be given third reading.

BYLAW 2012-39

FEES & CHARGES
AMENDMENT

THIRD READING

Carried Unanimously

2012-18-15

It was duly moved and seconded
THAT Bylaw 2012-36, a bylaw to change the zoning of a parcel of land
in the Fish Lake Road area to allow for Country Residential
development, be given second reading.

BYLAW 2012-36

ZONING AMENDMENT
Fish Lake Road Parcel

SECOND READING

2012-18-16

It was duly moved and seconded
THAT Bylaw 2012-36 be amended to change the zoning of a portion
of Lot 1244 to Country Residential 2 and the remainder of the Lot to
Environmental Protection.

Amendment

Defeated (2 – 5)

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

Recorded Vote

The Main Motion was then voted on and DEFEATED (2 – 5)

Vote on Main Motion

2012-18-17

It was duly moved and seconded
THAT Bylaw 2012-40, a bylaw to authorize a lease agreement for a
communications tower on Selkirk Street in Riverdale, be given second
reading.

BYLAW 2012-40

LEASE AGREEMENT
(Bell Mobility Tower)

SECOND READING

2012-18-18

It was duly moved and seconded
THAT Bylaw 2012-40 be amended by deleting the existing Appendix B
and substituting therefore a new Appendix B as presented to Council
on October 9, 2012.

Amendment

Carried Unanimously

The Main Motion as amended was then voted on and Carried
Unanimously.

Vote on Main Motion

2012-18-19

It was duly moved and seconded
THAT Bylaw 2012-40, a bylaw to authorize a lease agreement for a
communications tower on Selkirk Street in Riverdale, having been read
a first and second time, now be given third reading as amended.

BYLAW 2012-40

LEASE AGREEMENT
(Bell Mobility Tower)

THIRD READING

Carried Unanimously

2012-18-20

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 given second reading.

BYLAW 2012-35

O.C.P. AMENDMENT
UPPER TANK FARM

SECOND READING

2012-18-21

It was duly moved and seconded
THAT the preamble portion of section 1 of Bylaw 2012-35 be amended to reflect the addition of two new subsections to the Official Community Plan; and

THAT section 1 of Bylaw 2012-35 be further amended by adding a new subsection 8.4.5 which reads as follows:

“8.4.5 Should removal and remediation of soil located at the Whitehorse Upper Tank Farm be approved, Council may attach conditions for activities such as, but not limited to, hauling, crushing, quarrying and traffic control as deemed necessary through zoning and development agreement conditions. Council may also require a bond or security from the developer to ensure that when activity is completed the site remains in a condition satisfactory to Council. Council may also require that the development permit be renewed every two years to determine if the project is proceeding to their satisfaction.”

Amendment

Carried (5 – 2)

The Main Motion as amended was then voted on and Carried (5 – 2)

Vote on Main Motion

2012-18-22

It was duly moved and seconded
THAT Bylaw 2012-41, a bylaw to amend the zoning of several Kwanlin Dün First Nation lots along Macaulay Road and Wylie Crescent in the McIntyre Subdivision to allow for new residential development, be given first reading.

BYLAW 2012-41

ZONING AMENDMENT
McIntyre Lots

FIRST READING

Carried Unanimously

Councillor Roberts expressed her appreciation for the support received from other Council members and City staff during the past three years as this Council worked to serve the community.

CLOSING REMARKS

Councillor Roberts highlighted some of Council's achievements during her terms in office, including transit improvements and new buses, the conversion to total groundwater supply, and land development in conjunction with Government of Yukon.

CLOSING REMARKS

Councillor Roberts wished good luck to the new mayor and council, and expressed the hope that they will have as good a working relationship as this council has had.

There being no further business, the meeting adjourned at 10:20 p.m.

ADJOURNMENT

ORIGINAL MINUTES SIGNED BY:

"Dan Curtis"

Dan Curtis, Mayor

"Robert I. Fendrick"

Robert I. Fendrick, FCGA, City Clerk

ADOPTED by resolution at Meeting #2012-21 dated November 13, 2012.