



MINUTES OF DISTRICT OF KITIMAT
SPECIAL MEETING
MEETING HELD IN THE COUNCIL CHAMBERS
606 MOUNTAINVIEW SQUARE,
ON MONDAY, NOVEMBER 14, 2022 AT 7:00 P.M.

Present: Mayor P. Germuth

Present: Councillors: E. Empinado, M. Feldhoff, G. Leibel, T. Marleau, M. Martins,
G. Pitzel

Present: Staff: W. Waycheshen, CAO
K. Enders, Director of Corporate Administration
T. Tavares, Deputy Director of Corporate Administration
A. Ramos-Espinoza, Director of Engineering
C. Orr, Business and Communications Manager
A. Hansen, IT Manager
J. Dave, IT Technician

Via WebEx M. Gould, Director of Leisure Services
Via WebEx M. Penner, Director of Human Resources
Via WebEx T. Bossence, Fire Chief
Via WebEx A. Stewart-Jones, Planner
Via WebEx F. Sinclair, Acting Director of Planning

1. **Call to Order**

2. **Public Input / Questions on Agenda Items**

Mayor Germuth called for public input on the agenda items. There was no public input.

3. **Media Inquiries - For Clarification Only**

Mayor Germuth called for any media inquiries. There were no media inquiries

4. **Adoption of the Agenda**

Moved and seconded,

“THAT the Special Meeting of Council Agenda and the Supplemental Information Agenda for November 14, 2022, be adopted as circulated.”

Motion Carried Unanimously
Motion: S22-078

5. **Kitimat Air Shed Group Society– Letter of Support for a Northern Development Marketing Grant application**

Moved and seconded,

“THAT the District of Kitimat support the Kitimat Airshed Group Society’s application to the Northern Development Marketing Grant.”

Motion Carried Unanimously
Motion: S22-079
Kitimat Airshed Group Society – Letter of Support (1.6.2.29)

6. Election – Director and Alternate Director of Regional District of Kitimat-Stikine

The Chief Administrative Officer named the Director of Corporate Administration as the Returning Officer and the Director of Engineering Services as the Deputy Returning Officer. The Chief Administrative Officer provided direction on the election process.

The Chief Administrative Officer called for nominations for the position of Director of the Regional District of Kitimat-Stikine.

Councillor Marleau nominated Mayor Germuth for Director of the Regional District of Kitimat-Stikine. Mayor Germuth accepted.

The Chief Administrative Officer called for nominations a second time. The Chief Administrative Officer called for nominations a third time.

Mayor Germuth was acclaimed as the Director for the Regional District of Kitimat Stikine.

Director of Regional District of Kitimat-Stikine (1.5.1.5)

The Chief Administrative Officer called for nominations for the position of Alternate Director of the Regional District of Kitimat-Stikine.

Councillor Feldhoff nominated Councillor Marleau for Alternate Director of the Regional District of Kitimat-Stikine. Councillor Marleau accepted.

The Chief Administrative Officer called for nominations a second time. The Chief Administrative Officer called for nominations a third time.

Councillor Marleau was acclaimed as the Alternate Director for the Regional District of Kitimat-Stikine.

Alternate Director of Regional District of Kitimat-Stikine (1.5.1.5)

7. Council Appointments to Committees and Commissions

Moved and seconded,

“THAT the attached Council appointees to Committees and Commissions be approved for the remainder of 2022 and 2023.”

Motion Carried Unanimously

Motion: S22-080

Council Committee and Commissions Appointments (1.1.2.4)

8. Acting Mayor Schedule

Moved and seconded,

“THAT the Acting Mayor schedule for 2022- 2026 Council term be set as:

November 2022 – June 30, 2023: Councillor Mario Feldhoff

July 01, 2023 – February 29, 2024: Councillor Edwin Empinado

March 01, 2022 – October 31, 2024: Councillor Terry Marleau

November 01, 2024 – June 30, 2025: Councillor Gerry Leibel

July 01, 2025 – February 28, 2026: Councillor Michelle Martins

March 01, 2026 – October 31, 2026: Councillor Graham Pitzel”

Motion Carried Unanimously
Motion: S22-081
Acting Mayor Schedule (1.1.2.4)

9. Report of Election Results for Councillor

Moved and seconded,

“THAT the Report of Election Results for Councillor dated November 08, 2022 be received for information.”

Motion Carried Unanimously
Motion: S22-082
Election Results for Councillor (1.1.3.0)

10. 2023 Northern Development Business Façade Improvement Grant

Moved and seconded,

“THAT staff submit a grant application to Northern Development Initiative Trust for the 2023 Business Façade Improvement funding program.”

Motion Carried Unanimously
Motion: S22-083
2023 NDIT Business Façade Improvement Grant (5.9.2.1)

11. Sumgas Creek Habitat Offsetting / Restoration Enhancement Program

Moved and seconded,

“THAT staff publish Community Charter section 26 Notice for the October 24 2022 version of the LNGC Habitat Offsetting and Access Agreement and following that Notice period, the Mayor and Corporate Officer sign the Agreement, unless there is public comment which raises new issues in response to the Notice, in which case Staff are directed to bring the LNGC Habitat Offsetting and Access Agreement back to Council for further consideration and authority to execute the agreement.”

Motion Carried Unanimously

Motion: S22-084

Sumgas Creek Habitat Offsetting / Restoration Enhancement Project (10.2.1.4.1)

12. Request for Comment – Crown Land Tenure Application #0354668 – JHW Construction

Moved and seconded,

“THAT Staff respond to the Crown Land Tenure Application #0354668 referral request by advising that:

- *The Kitimat OCP designates the area as Resource Extraction and Forestry License, and includes polices that Support pit and quarry operations and reclamation in accordance with provincial regulations and in an environmentally sensitive manner;*
- *the Kitimat Municipal Code zoning for the area proposed to be under a Mines Act Permit is G5 Forestry, and it does not permit extraction or processing uses,*
- *the District intends on respecting the BC Court of Appeal’s decisions in OK Industries v. Highlands that its land use regulation authority is ousted by activities approved in Mines Act Permit, for the area identified in that Permit,*
- *the applicant has not sought or obtained a Temporary Use Permit, and was not required to obtain one in light of the above,*
- *Staff’s Report to council on this matter be provided to the Ministry for information purposes.*

Amendment:

Moved and seconded,

“THAT if the application is approved the operation of the temporary asphalt plant be reviewed, including District of Kitimat input, after three to five years”

Amendment Carried Unanimously

Motion: S22-085

Request for Comment – Crown Land Tenure Application #0354668 – JHW
Construction

Amendment as Amended:

Moved and seconded,

“THAT if the application is approved:

- a shorter approval period than 30 years be considered,*
- that road maintenance and impacts to the District of Kitimat be considered; and*
- the current encroachment by the applicant be considered.”*

Amendment as Amended Carried Unanimously

Motion: S22-086

Request for Comment – Crown Land Tenure Application #0354668 – JHW
Construction (1.4.2.18.3)

Main Motion as Amended:

Moved and seconded,

“THAT Staff respond to the Crown Land Tenure Application #0354668 referral request by advising that:

- The Kitimat OCP designates the area as Resource Extraction and Forestry License, and includes polices that Support pit and quarry operations and reclamation in accordance with provincial regulations and in an environmentally sensitive manner;*
- the Kitimat Municipal Code zoning for the area proposed to be under a Mines Act Permit is G5 Forestry, and it does not permit extraction or processing uses,*
- the District intends on respecting the BC Court of Appeal’s decisions in OK Industries v. Highlands that its land use regulation authority is ousted by activities approved in Mines Act Permit, for the area identified in that Permit,*
- the applicant has not sought or obtained a Temporary Use Permit, and was not required to obtain one in light of the above,*
- Staff’s Report to council on this matter be provided to the Ministry for information purposes;*
- if the application is approved the operation of the temporary asphalt plant be reviewed, including District of Kitimat input, after three to five years;*
- a shorter approval period then 30 years be considered,*
- that road maintenance and impacts to the District of Kitimat be considered; and*
- the current encroachment by the applicant be considered”*

Main Motion as Amended Carried Unanimously

Motion: S22-087

Request for Comment – Crown Land Tenure Application #0354668 – JHW
Construction (1.4.2.18.3)

13. Call for New Business / Adoption of the Closed Agenda

Moved and seconded,

“THAT the agenda be adopted as circulated and Council deal with these matters in a closed session.”

Motion Carried Unanimously

Motion: IC22-193

14. Adjournment

Moved and seconded,
"THAT this meeting adjourn."

Motion Carried Unanimously

The meeting adjourned at 7:46 p.m.

CERTIFIED TRUE AND CORRECT

Mayor

Corporate Officer