



MINUTES OF DISTRICT OF KITIMAT
REGULAR MEETING

MEETING HELD AT MUNICIPAL HALL
270 CITY CENTRE, ON TUESDAY, FEBRUARY 16, 2021 AT 7:00 P.M.

Present: Mayor P. Germuth

Present: Councillors: E. Empinado, M. Feldhoff, L. Gibson
(All Via WebEx) R. Goffinet, T. Marleau, M. Zielinski

Present: Staff:

	W. Waycheshen, CAO
Via WebEx	A. Ramos-Espinoza, Director of Engineering
Via WebEx	A. Lucas, Director of Planning
Via WebEx	D. Rutsatz, Director of Finance
Via WebEx	M. Gould, Director of Leisure Services
Via WebEx	M. Dewar, Director of Economic Development
Via WebEx	T. Bossence, Fire Chief
Via WebEx	C. McCulley, Director of Operations
Via WebEx	M. Penner, Director of Human Resources
Via WebEx	K. Enders, Deputy Director of Corporate Administration
Via WebEx	K. Hogan, Planner
Via WebEx	C. Brown, Planner

Message from the Mayor

Mayor Germuth provided a message on Council activities over the recent past.

Delegations/Presentations

1. RCMP Monthly Policing Reports

Staff Sergeant Graham Morgan made a presentation to Council with the monthly policing statistics for December, 2020 and January, 2021. He then answered questions from Council.

2. My Mountain Co-op, Shames Mountain – Funding Support for Parking Expansion Plan

Dave Gordon and Christian Theberg made a presentation to Council regarding a request for support for an expansion to parking on Shames Mountain. They then answered questions from Council.

Public Input / Questions on Agenda Items

Mayor Germuth called for public input on the Zoning Amendment Application at 653 Columbia Avenue. There were no comments from the public. The applicant answered questions from Council.

Media Inquiries - For Clarification Only

Call for New Business / Adoption of the Agenda

Councillor Marleau – My Mountain Coop, Shames Mountain

Councillor Feldhoff – Correspondence to Nav Canada regarding air traffic control services

Councillor Empinado – Consent Agenda Item No. 5 – Correspondence regarding BC Hydro Streetlighting Rate Increase / Termination of Private Light Systems

Moved and seconded,

“THAT the Regular Council Agenda for February 16, 2021, be adopted as amended.”

Motion Carried Unanimously
Motion: R21-034

Consent Agenda

Moved and seconded,

“THAT the Consent Agenda for February 16, 2021 be approved as amended.”

Motion Carried Unanimously
Motion: R21-035

The following meeting Minutes were adopted:
Regular Meeting of Council Minutes – 1 February 2021
Committee of the Whole Minutes – 8 February 2021

All correspondence was received and filed.

Motions

1. Councillor Gibson – Request by Kitimat Valley Naturalists

Moved and seconded,

“THAT the request of the Kitimat Valley Naturalists, Douglas Channel Watch and the Kitimat Rod and Gun Association, to establish a Protected Wetland in the Goose creek area as referenced in their February 8, 2021 presentation to Council be brought back to Council for further discussion after a proposed presentation by the Kitimat Rod and Gun Association on Green Bylaws is received by Council.”

Moved and seconded,

“THAT the motion be tabled until the presentation from Kitimat Rod and Gun Association on Green Bylaws.”

Tabling Motion **Defeated Unanimously**
Motion: R21-036
Kitimat Valley Naturalists / Green Bylaws

On the main motion:

Motion Carried Unanimously
Motion: R21-037
Kitimat Valley Naturalists / Green Bylaws

Bylaws

1. Multi-family Development Permit Guidelines, FireSmart Amendment Bylaw No. 1967, 2020 and Development Permit Area - Hazardous Areas, FireSmart Amendment Bylaw No. 1968, 2020

Moved and seconded,

“THAT First Reading of "Multi-family Development Permit Guidelines, FireSmart Amendment Bylaw No. 1967, 2020" in Attachment A is rescinded;

AND THAT "Development Permit Area - Hazardous Areas, FireSmart Amendment Bylaw No. 1968, 2020", shown in Attachment B, is amended to be known as "FireSmart OCP Amendment Bylaw No. 1968, 2020";

AND THAT Bylaw No. 1968 is amended to read as is presented in Attachment C;

AND THAT Bylaw 1968 be referred to Haisla Nation, School District No. 82 Coast Mountains, Kitimat Chamber of Commerce, and Ministry of Public Safety & Solicitor General & Emergency BC;

AND THAT Council has specifically considered whether additional persons, organizations and authorities, including additional federal and provincial agencies and First Nations, are required to be consulted with and is satisfied that the appropriate persons, organizations and authorities have been identified as referral agencies and will be consulted in advance of the Public Hearing;

AND THAT further consultation in the form of a public open house be advertised and held prior to the Public Hearing;

AND THAT a Public Hearing be scheduled for 15 March 2021 at 7:00 pm, to be held via WebEx;

AND THAT public notice be issued (i) inviting comment regarding an Official Community Plan amendment; (ii) advising that a bylaw is under consideration; (iii) advertising Open House and Public Hearing, and (iv) providing instructions on how to participate in the Public Hearing during the Covid-19 pandemic.

Motion: Carried

In Favour: Mayor Germuth, Councillors Empinado
Gibson, Marleau, Zielinski

Opposed: Councillors Feldhoff, Goffinet

Motion: R21-038
Bylaw No. 1967 / Bylaw No. 1968

Reports and/or Communications

1. Zoning Amendment Application for Vista Village Trailer Park 653 - Columbia Avenue

Moved and seconded,

“THAT Staff be instructed to advise the Applicant that Council has considered all the information put forward by the Applicant, the advice of planning staff and the District’s Official Community Plan and existing zoning, and determined that it is not prepared to proceed further at this time with the requested amendment to allow recreational vehicles to be used as housing for temporary workers on 653 Columbia Avenue;

AND THAT Staff be instructed to further discuss with the Applicant alternative approaches to an amendment application, including but not limited to consideration of time-limited zoning and development conditions secured by zoning and/or S.219 Covenant such that:

- a. the residential use of recreational vehicles on the property not extend beyond December 31, 2023, unless otherwise extended through an additional zoning amendment;*
- b. recreational vehicles must not be affixed to the ground in any way;*
- c. no accessory structures or structures affixed onto or over the recreational vehicles are permitted;*

AND THAT Staff, if an alternative approach is amenable to the Applicant, be instructed to:

- a. prepare a bylaw amendment for consideration of First and Second Reading by Council at the earliest opportunity; and*
- b. refer the application (with draft amendment bylaw) concurrently to the Advisory Planning Commission.”*

Amendment:

Moved and seconded,

“THAT a provision for tiny homes be included in the bylaw for Council consideration.”

Amending Motion Carried Unanimously
Motion: R21-039

Zoning Amendment Application 653 Columbia Avenue

Main Motion as Amended:

“THAT Staff be instructed to advise the Applicant that Council has considered all the information put forward by the Applicant, the advice of planning staff and the District's Official Community Plan and existing zoning, and determined that it is not prepared to proceed further at this time with the requested amendment to allow recreational vehicles to be used as housing for temporary workers on 653 Columbia Avenue;

AND THAT Staff be instructed to further discuss with the Applicant alternative approaches to an amendment application, including but not limited to consideration of time-limited zoning and development conditions secured by zoning and/or S.219 Covenant such that:

- a. the residential use of recreational vehicles on the property not extend beyond December 31, 2023, unless otherwise extended through an additional zoning amendment;*
- b. recreational vehicles must not be affixed to the ground in any way;*
- c. no accessory structures or structures affixed onto or over the recreational vehicles are permitted;*

AND THAT Staff, if an alternative approach is amenable to the Applicant, be instructed to:

- a. prepare a bylaw amendment for consideration of First and Second Reading by Council at the earliest opportunity; and*
- b. refer the application (with draft amendment bylaw) concurrently to the Advisory Planning Commission.”*

AND THAT a provision for tiny homes be included in the bylaw for Council consideration.”

Main Motion Carried Unanimously

Motion: R21-040

Zoning Amendment Application 653 Columbia Avenue

2. NCLGA Resolution - Dangerous Dog Legislation Second Report

Moved and seconded,

“THAT the attached resolution titled Dangerous Dog legislation be submitted to the North Central Local Government Association annual general meeting for 2021:

WHEREAS Santics v. Vancouver (City) Animal Control Officer, 2019 BCC 294 sets out that there is no longer discretion of the Courts to provide conditional orders to rehabilitate Dangerous Dogs, and that Courts must decide whether a Dangerous Dog poses an unacceptable risk to the public and must be destroyed, or released back to its owner.

AND WHEREAS Animal Control Officers can create individualized remedies, but cannot require seizure and rehoming of Dangerous Dogs,

THEREFORE BE IT RESOLVED THAT the North Central Local Government Association and the Union of British Columbia Municipalities petitions the Province of British Columbia and relevant Provincial Ministries to amend legislation in the Community Charter with regards to Dangerous Dogs to allow for conditional orders by judges, which would provide the Courts alternative means of dealing with Dangerous Dogs if they are deemed to not be an unacceptable risk to the public, and to also allow Animal Control Officers additional powers to seize and rehome Dangerous Dogs, and to determine destruction when a serious injury and/or death has occurred.”

Motion Carried Unanimously

Motion: R21-041

North Central Local Government Association Resolution – Dangerous Dogs

3. Union Of British Columbia Municipalities Poverty Reduction Grant Program

Moved and seconded,

“THAT the application to the 2021 Union of British Columbia Municipalities Poverty Reduction Grant Program be supported.

AND THAT a letter of support be written for the application to the 2021 Union of British Columbia Municipalities Poverty Reduction Grant Program.”

Motion Carried Unanimously

Motion: R21-042

UBCM Poverty Reduction Grant Program

4. Community Recognition Of Excellence Program

Moved and seconded,

“THAT this report dated 4 February 2021 - Community Recognition of Excellence Program be received for information.”

Motion Carried Unanimously

Motion: R21-043

Service Awards

5. 2021 Budget Deliberations (Third Report)

Moved and seconded,

“THAT the 2021 revenues and general operating expenses, as summarized in Appendix A except for Mount Elizabeth Theatre, be tentatively approved, with final approval in spring 2021 when the five-year financial plan is adopted.”

Motion Carried Unanimously
Motion: R21-044
2021 Budget Deliberations

Councillor Feldhoff declared a conflict as his spouse is manager of Mount Elizabeth Theatre and left the WebEx – 9:03 p.m.

THAT the 2021 revenues and general operating expenses for Mount Elizabeth Theatre, as summarized in Appendix A, be tentatively approved, with final approval in spring 2021 when the five-year financial plan is adopted.

Motion Carried Unanimously
Motion: R21-045
2021 Budget Deliberations

Councillor Feldhoff returned to the WebEx – 9:04 p.m.

Moved and seconded,

“THAT the water fees not be increased for 2021.”

Motion: **Carried**

In Favour: Mayor Germuth, Councillors Empinado
Feldhoff, Goffinet, Marleau, Zielinski

Opposed: Councillor Gibson

Motion: R21-046
2021 Budget Deliberations

Moved and seconded,

“THAT Council accepts the capital budget except for Mount Elizabeth Theatre as presented in Appendix “C” to the 9 February 2021 report.”

Motion Carried Unanimously
Motion: R21-047
2021 Budget Deliberations

Councillor Feldhoff declared a conflict of interest as his spouse is the manager of Mount Elizabeth Theatre and left the WebEx - 9:39 p.m.

Moved and seconded,

“THAT Council accepts the capital budget for Mount Elizabeth Theatre as presented in Appendix “C” to the 9 February 2021 report.”

Motion Carried Unanimously
Motion: R21-048
2021 Budget

Councillor Feldhoff returned to the WebEx - 9:40 p.m.

Moved and seconded,

"THAT the projects highlighted in Appendix D of the 9 February 2021 for early approval in the 2021 Capital Budget receive early approval."

Motion Carried Unanimously
Motion: R21-049
2021 Budget

New Business

1. Councillor Marleau – My Mountain Coop, Shames Mountain

Moved and seconded,

"THAT the request from the My Mountain Coop, Shames Mountain for funding in the amount of \$15,000 for the parking expansion plan be referred to staff for funding options."

Motion Carried Unanimously
Motion: R21-050
My Mountain Co-op, Shames Mountain Parking Expansion

2. Councillor Feldhoff, Correspondence to NAV Canada regarding air traffic control services

Moved and seconded,

"THAT a letter be sent to NAV Canada in support of the North Central Local Government Association position that the aeronautical feasibility study being done at the Dawson Creek Regional Airport (YDQ), Northern Rockies Regional Airport (YYE), North Peace Regional Airport (YXJ), and Prince George Airport (YXS) airports does not result in reduction to services."

Motion: **Carried**

In Favour: Mayor Germuth, Councillors Empinado,
Feldhoff, Goffinet, Marleau, Zielinski

Opposed: Councillor Gibson

Motion: R21-051
Correspondence regarding air traffic control services

3. Councillor Empinado – Consent Agenda Item No 5, Correspondence regarding BC Hydro Street lighting Rate Increase / Termination of Private Light Systems

Moved and seconded,

"THAT staff provide any readily available links for further information regarding the BC Hydro street lighting rate increase / termination of private light systems"

Motion Carried Unanimously
Motion: R21-052
BC Hydro Street lighting Rate Increase / Termination of Private Light Systems

Mayor and Council Reports

Moved and seconded,
"THAT this meeting adjourn."

Motion Carried Unanimously

The meeting adjourned at 10:08 p.m.

CERTIFIED TRUE AND CORRECT

Mayor

Corporate Officer