



## COUNCIL OF THE CITY OF CASTLEGAR

### Regular Meeting Minutes

Minutes of the regular meeting of the Council of the City of Castlegar held January 7, 2013, 7:00 p.m. in the Community Forum, 445 – 13<sup>th</sup> Avenue, Castlegar, B.C.

**MEMBERS  
PRESENT:**

Mayor Lawrence Chernoff  
Councillor Kevin Chernoff  
Councillor Russ Hearne  
Councillor Sue Heaton-Sherstobitoff  
Councillor Deb McIntosh  
Councillor Dan Rye  
Councillor Gordon Turner

**MEMBERS ABSENT:**

**ALSO PRESENT:**

John Malcolm, Chief Administrative Officer  
Andre Buss, Director of Finance  
Chris Barlow, Director of Transportation and Civic Works  
Phil Markin, Director of Development Services  
Carolyn Rempel, Director of Corporate Services  
Gerry Rempel, Fire Chief/Airport Manager  
Public and Media

**CALL TO ORDER:**

There being a quorum present, the Mayor called the meeting to order at 7:02 p.m.

**AGENDA:  
1-13**

Moved and seconded,  
that the agenda be amended by moving Report #13-04, Property Maintenance Bylaw Enforcement (662 Hanville Place) to the first item under Planning and Development Reports. Carried.

**DELEGATIONS:**

Nil

**MINUTES:  
2-13**

- REGULAR MEETING  
- DECEMBER 17, 2012

Moved and seconded,  
that the minutes of the regular meeting held December 17, 2012, be approved as presented. Carried.

**REPORTS:  
AIRPORT:**

Nil

**COMMUNITY  
WELLNESS & SOCIAL  
SERVICES:**

Councillor Turner reported that the Committee's first meeting of 2013 will be held Wednesday, January 9, 2013.

**CULTURAL AND CIVIC  
PRIDE:**

Nil

**FINANCE AND  
CORPORATE  
SERVICES:**

3-13  
- ITEM TO BE  
RELEASED FROM  
PREVIOUS IN CAMERA  
MEETING (#12-225)

Moved and seconded,  
that Council release to the public the resolution from the December 3, 2012 Special In Camera meeting as noted in Report to Council No. 12-225. Carried.

4-13  
- ACCOUNTS PAYABLE  
- NOVEMBER, 2012

Moved and seconded,  
that the list of accounts payable for November, 2012 totaling \$1,575,802.82, covered by cheque numbers 55171 to 55441 inclusive, be received for information and recorded in the minutes. Carried.

**GREEN:**

5-13  
- WOOD STOVE  
EXCHANGE PROGRAM  
- REQUEST FOR  
RESOLUTION (#13-02)

Moved and seconded,  
that Council authorize the City's participation in the Wood Stove  
Exchange Program, and that the City's contribution be limited to 10  
rebates (\$1,000). Carried.

**PLANNING AND  
DEVELOPMENT:**

6-13  
- PROPERTY  
MAINTENANCE BYLAW  
ENFORCEMENT (662  
HANVILLE PLACE)  
(#13-04)

Moved and seconded,  
that pursuant to Part 4, Section 15 of Property Maintenance Bylaw  
1120, the City enter on the property at 662 Hanville Place,  
Castlegar and carry out the necessary remediation works.  
Withdrawn.

Councillor Heaton-Sherstobitoff provided background information on  
the Property Maintenance Bylaw enforcement issue at 662 Hanville  
Place.

- MR. ARMANDO  
CARDOSO  
PRESENTATION

The property owner, Mr. Armando Cardoso advised that he had  
received a letter dated December 3, 2012 from the City regarding  
maintenance of his property located at 662 Hanville Place. The  
letter advised that he would be given an opportunity to be heard at  
this Regular Council meeting.

Mr. Cardoso advised that his property is located on a cul de sac  
(Hanville Place) and, as such, no one can see into the back of his  
property and someone must be in his driveway, by his garage to  
see what is in his yard. Mr. Cardoso noted that there are many  
property owners with unsightly premises. Many of these properties  
are along 6<sup>th</sup> Avenue and Columbia Avenue, however, the City has  
a problem with his property. Mr. Cardoso advised that the vehicles  
on his property are not junk and they are all in good condition. He  
stores them where he does on his property so that, in case of fire,  
they are out of the way. His vehicles are covered while many other  
property owners don't even cover their stored vehicles.

Mr. Cardoso expressed concern regarding the letter left in his  
mailbox. Mr. Cardoso explained that he refused the registered letter  
originally sent by the City as it wasn't familiar to him. The letter was  
then left in his mailbox on December 12, 2013 which Mr. Cardoso  
finds unacceptable. The letter, dated December 3, 2012 gave him  
14 days to comply with the bylaw.

Mr. Cardoso read aloud a December 13, 2012 letter he received  
from his neighbour, Mr. Jakobsze advising he had no concerns with  
the condition of his property and confirming that a registered letter  
must either be signed for or refused.

Mr. Cardoso believes that this situation is discriminatory and that he is  
being singled out and is being harassed, however, he stated that he  
has complied with the City's request.

In response to a question by Council, Mr. Phil Markin, Director of  
Development Services advised that the letter was sent as the City  
had received a complaint about Mr. Cardoso's property. The City's  
Bylaw Enforcement Officer had attended at the property and took  
photos to verify bylaw infractions. A registered letter had been sent

to Mr. Cardoso, however, it was not accepted so a letter was left in Mr. Cardoso's mailbox. Attempts had been made to contact Mr. Cardoso but they were unsuccessful.

Council requested clarification of Mr. Cardoso's statement that he has complied. Council requested that Mr. Cardoso get together with City staff to discuss this issue.

Mr. Cardoso agreed that he would meet with Mr. Phil Markin to discuss this issue.

The original motion was withdrawn by the mover of the motion, Councillor Heaton-Sherstobitoff.

7-13  
- PROPERTY  
MAINTENANCE BYLAW  
ENFORCEMENT (662  
HANVILLE PLACE)  
(#13-04)

Moved and seconded,  
that Mr. Armando Cardoso and Mr. Phil Markin, Director of Development Services meet to discuss the bylaw enforcement issue at 662 Hanville Place. Carried.

Mr. Cardoso was excused from the meeting at 7:30 p.m.

8-13  
- MINUTES

Moved and seconded,  
that the draft minutes of the Planning and Development Committee meeting held January 2, 2013, be received for information. Carried.

9-13  
- PROPERTY  
MAINTENANCE  
CONCERNS (#12-227)

Moved and seconded,  
that the updated report on the December 20, 2012 Joint Planning and Development and Public Safety meeting with the McLarens', the owners of the Element, the Liquor Control Branch and the Royal Canadian Mounted Police with respect to an attempt to reach a solution to the downtown vandalism and property maintenance issues, be received for information. Carried.

10-13  
- DEVELOPMENT  
VARIANCE PERMIT  
APPLICATION DV-2/12  
(3628 – 14<sup>TH</sup> Avenue)  
(#12-229)

Moved and seconded,  
that Council consider, at the Regular Council meeting of February 4, 2013, issuing Development Variance Permit, DV-2/12 to 0911952 B.C. Ltd. to permit a front yard setback of approximately 3.5 meters (11.48 ft) for the existing single family dwelling at 3628 14<sup>th</sup> Avenue; and

that Development Variance Permit DV-2/12, be forwarded to the Advisory Planning Commission for their review and recommendation; and

that staff be instructed to set up a meeting with the neighbourhood to give the applicant an opportunity to provide background on the issue. Carried.

11-13  
- ZONING AMENDMENT  
APPLICATION R-5/12  
(#13-03)

Moved and seconded,  
that Council consider adopting proposed Bylaw 1171, to amend Zoning Bylaw 800 by removing the words "used or" from sentence 3.7.3 (1) and revise sentence 3.7.3 (2); and

that Zoning Bylaw Amendment Application R-5/12, be referred to the Advisory Planning Commission for its review and recommendation; and

that staff be authorized to undertake the necessary notification and scheduling of a public hearing. Carried.

**PUBLIC SAFETY:**

Nil

**TRANSPORTATION  
AND CIVIC WORKS:**

12-13  
- ASPHALT  
ASSESSMENT &  
CAPITAL PAVING PLAN  
(#13-06)

Moved and seconded,  
that Mayor and Council receive Report #13-06 titled "Asphalt  
Assessment & Capital Paving Plan" for information and  
consideration during the 2013 Budget deliberations. Carried.

**R.D.C.K. REPORT:**

Nil

**CORRESPONDENCE:**

13-13

Moved and seconded,  
that the correspondence from the Association of Kootenay &  
Boundary Local Governments regarding Notice of Annual General  
Meeting and Second Call for Resolutions 2013, be received for  
information. Carried.

**REPORTS OTHER:**

Nil

**MAYOR'S REPORT:**

Nil

**NEW & UNFINISHED  
BUSINESS:**

Nil

**BYLAWS:**

14-13  
- BYLAW 1171  
- 1<sup>ST</sup> READING

Moved and seconded,  
that Bylaw 1171, Zoning Amendment Bylaw, be read a first time by  
title. Carried.

15-13  
- BYLAW 1171  
- 2<sup>ND</sup> READING

Moved and seconded,  
that Bylaw 1172, Zoning Amendment Bylaw, be read a second time  
by content. Carried.

16-13  
- BYLAW 1170  
- ADOPTED

Moved and seconded,  
that Bylaw 1170, Open Air Burning Amendment Bylaw, be adopted.  
Carried.

**NEXT MEETINGS:**

Regular Meeting, January 21, 2013, 7:00 p.m. at the Community  
Forum, 445-13<sup>th</sup> Avenue, Castlegar, B.C.

**NOTICE OF MOTION:**

Nil

**QUESTION PERIOD:**

Nil

**ADJOURNMENT:**

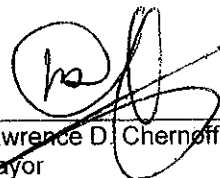
17-13

Moved and seconded,  
that the meeting adjourn at 7:55 p.m. Carried.

**CERTIFIED CORRECT:**



Carolyn Rempel,  
Director of Corporate Services



Lawrence D. Chernoff,  
Mayor