



## CITY OF MERRITT

# MINUTES

## PUBLIC HEARING

**CITY HALL**  
2185 Voght Street  
Merritt, B.C.

**Tuesday, February 24, 2004 at 7:30 pm**  
**Reconvened Tuesday, March 23, 2004 at 7:00 pm**  
**Reconvened Tuesday, May 11, 2004 at 7:00 pm**

*Mission Statement: The purpose of the City of Merritt is to maintain a modern, attractive, economically viable City, with the appropriate services, infrastructure and supporting human resources.*

### **Council**

**Mayor David Laird**

**Councillor Bob Baird**

**Councillor Richie Gage**

**Councillor Sheldon Guertin**

**Councillor Harry Kroeker**

**Councillor Elmer Reimer**

**Councillor Ron Sherwood**

*Country Music Capital of Canada*

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# CITY OF MERRITT

## MINUTES

### PUBLIC HEARING

COUNCIL CHAMBER, CITY HALL

TUESDAY, FEBRUARY 24, 2004

AT 7:30 PM

1. PRESENT:

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Mayor David Laird  
Councillor B. Baird  
Councillor R. Gage  
Councillor S. Guertin  
Councillor E. Reimer  
Councillor R. Sherwood

ABSENT

Councillor H. Kroeker

IN ATTENDANCE

Ms. J. Bridarolli, Administrator  
Ms. C. Fraser, Corporate Administrative Assistant  
Mr. J. Freund, Leisure Services Manager  
Mr. D. Matteucci, Fire Chief  
Mr. T. Reynolds, Financial Services Manager  
Ms. R. Tolerton, Corporate Services Manager

MEDIA

Merritt Herald  
Nicola Valley Voice  
Radio NL  
Shaw Cable

29 Members of the Public

2. CALL TO ORDER

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Mayor Laird called the meeting to order at 7:31 p.m.

3. STAFF REPORT

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REZONING/OCP  
AMENDMENT  
APPLICATION

- 3.1 Rezoning/OCP Amendment Application - Merritt Courthouse;  
Administrator's February 17, 2004 Memorandum.  
City of Merritt Official Community Plan Bylaw Amendment  
Bylaw No. 1863, 2004 and City of Merritt Zoning Bylaw  
Amendment Bylaw 1864, 2004  
File: 3360 RZ2003-03 a

4. PROPONENT'S SUBMISSION

Kevin Ryan, Coast Architectural Group presented to the Public Hearing the updated site plan for the old courthouse.

5. PUBLIC SUBMISSIONS

- Richard and Evelyn Paterson – 1887 Nicola Avenue, Merritt
  - letter
- Meg O'Donovan – 1776 Nicola Avenue, Merritt
  - letter
- Patrick and Madeleine Rabbitt – 1876 Nicola Avenue, Merritt
  - letter
- Terry Galvin – 1859 Granite Avenue, Merritt
  - letter
- Margaret Carlson, Bev Veale, Kim Leclair – Nicola Valley Community Arts Council, Courthouse Committee
  - letter and petition
- Court House Land Use Amendment Application – Referral; Administrator's February 18, 2004 Memorandum re: Phyllis Leese – 1813 Granite Avenue, Merritt
- Madeleine Rabbitt – 1876 Nicola Avenue
  - opposed to the amendments as the permissible land uses do not conform with Bylaw No. 1530 nor does it meet the criteria as per Bylaw No. 1530
  - use is not what the residents want next door
  - any commercial enterprise adjacent to our property would decrease its value making it harder to sell, thus causing financial loss
  - the Cenotaph should not be maintained as an island in the midst of a commercial enterprise
  - requested Council vote against any re-zoning
- Jean Anderson – 2063 Priest
  - questioned Mr. K. Ryan if the land was re-zoned and then sold, would the new owner be held to uses as re-zoned. Any changes to re-zoning would once again go through the same process with public input

- asked Mr. K. Ryan the size of the dance floor – not large enough for a live band (12'x16') and there are no doors off the dance floor to the outdoor patio area
  - expressed that none of the uses in C4 were compatible in a residential area
  - the courthouse was built in 1914 and is an impressive building with historical value and does not wish to see it demolished
  - increase traffic noise in a residential area
  - concerned of the future of the Cenotaph as it is a sacred place and hallowed ground
  - confused as to the meaning of a covenant on title – how much space is provided for the Cenotaph, who would take care of the Cenotaph, and a commercial backdrop for a remembrance ceremony would not be appropriate
  - urged Council to reject or take more time to consider the re-zoning
- Kim Leclair – 1413 Canford Avenue
    - representing the Nicola Valley Arts Council
    - presented a petition signed by 335 residents stating, that “we the undersigned feel the Merritt Court House should be preserved as a community heritage site for use by the community with the Cenotaph remaining in the safe-keeping of the City of Merritt”
    - does not approve of the application to re-zone to highway commercial
    - adverse effects on the neighbourhood
    - with the property currently being for sale, the project described in the re-zoning application, may not necessarily be what would be built
    - there are community groups who may still be interested in purchasing the property and whose everyday operation would be a perfect fit for the current zoning.
    - When asked by His Worship if Ms. Leclair knew of any such groups she replied no and advised that the Nicola Valley Arts Council was not considering purchasing the old courthouse
    - asked Council to reserve their decision to allow for more input from residents of Merritt and the Nicola Valley
  - Barbara Scapinello – 1880 Nicola Avenue
    - Nicola Avenue is already a busy street
    - concerned about property values

- the Cenotaph needs to continue to be honoured and any development to the area must consider the Cenotaph
  - the atmosphere in the downtown core should be defined for foot traffic
  - "Mr. Bigbucks" has no concern for residents' ideas
  - potential for interesting downtown core yet be conservative and open minded
- Shirley Johnson - 1825 Granite
    - supports each speaker and the issues brought forward
    - in the OCP the old courthouse is in West Merritt which states this type of zoning will not take place
    - Council opposing own OCP
    - erosion of the residential community
    - zoned P3 which allows for green space and possible senior's housing
    - agrees with honouring the Cenotaph
    - has no objections to restaurants in Merritt but there are other properties already zoned for that use which could be used
    - asked Council to consider very seriously leaving the old courthouse zoned P3
  - Meg O'Donovan - 1767 Nicola Avenue
    - agrees with the many points already raised by fellow neighbours
    - concerned with the erosion of current residential zoning in her neighbourhood
    - houses are being re-vitalized
    - courthouse lawn is the only green space on Nicola Avenue
    - good as is - zoned Public use and someone will use for the benefit of the entire community

The Public Hearing was adjourned to reconvene on March 23, 2004 at 7:00 p.m.



## CITY OF MERRITT

### MINUTES

### PUBLIC HEARING

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#### **Council**

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# CITY OF MERRITT

## MINUTES

### RECONVENED

### PUBLIC HEARING

COUNCIL CHAMBER, CITY HALL

TUESDAY, MARCH 23, 2004

AT 7:00 PM

1. PRESENT:

Mayor David Laird  
Councillor B. Baird  
Councillor R. Gage  
Councillor S. Guertin  
Councillor H. Kroeker  
Councillor E. Reimer

**ABSENT**

Councillor R. Sherwood

**IN ATTENDANCE**

Ms. J. Bridarolli, Administrator  
Ms. C. Fraser, Corporate Administrative Assistant  
Mr. T. Reynolds, Financial Services Manager  
Ms. R. Tolerton, Corporate Services Manager

**MEDIA**

Merritt Herald  
Merritt News  
Radio NL  
Shaw Cable

46 Members of the Public

2. CALL TO ORDER

Mayor Laird called the meeting to order at 7:06 p.m. This Public Hearing is reconvened from the February 24, 2004 Public Hearing.

3. STAFF REPORT

Ms. J. Bridarolli, Administrator advised a draft Statutory Right-of-Way Agreement for public access to the Cenotaph from the proponent's lawyer has been received for review.

#### 4. PROPONENT'S SUBMISSION

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Mr. Kevin Ryan, Coast Architectural Group recapped the occurrence of events leading up to this Public Hearing.

- Right of Way for the Cenotaph to remain a public asset
- Revitalize heritage building
- Positive solution to the Court House
- Proponent held public information hearing prior to proposed use
- Owner offers that any qualified group of community citizens may purchase the building for \$275,000.00 and owner would carry the financing at a reasonable market rate for 5 years to allow the group to arrange alternate financing
- Proponent is a member of the community and believes the proposed use is satisfactory

#### 5. PUBLIC SUBMISSIONS

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- Evelyn Armstrong - PO Box 249, Merritt
  - letter
- Elizabeth Salomon de-Friedberg - 1964 Greaves Avenue, Merritt
  - first time anyone has heard of the proposal for the proponent to finance
  - presentation does not address new information
  - opposed to re-zoning of Merritt Court House to Highway Commercial. Zoning would be detrimental to the residential neighbourhood and the building would very likely be demolished
  - two diametrically opposed viewpoints - those who favour development no matter what the cost and those who wish to preserve a link to Merritt's past and maintain a long established residential neighbourhood
  - those in favour of re-zoning feel that a private owner should have the right to do whatever he wants with the building - as long as it is not in their neighbourhood - and can visualize a fine-dining restaurant in a renovated historic building. Is there even going to be a restaurant?
  - those against re-zoning have a different vision - a vision of increased traffic, increased noise levels, increased illumination at night, loss of green space, issues of safety, reduction of property values, and opening the door to commercialization of the whole west end of Nicola Avenue



- Merritt does not lack in commercially zoned property
  - the Draft OCP does not encourage commercial development along Nicola Avenue
  - Merritt Court House is not protected from demolition if property is re-zoned
  - if Council opts for C4 zoning, the decision will impede rather than support downtown business, impact negatively on the quality of life of many residents, adversely affect the character of a residential neighbourhood, reduce green space, push back the development of walking trails in the City, create traffic problems where none exist, destroy a landmark, and spend tax dollars to move the Cenotaph
  - re-zoning of this property is not in the best interests of the community as a whole
- Rachele Vogt - 2268 Parker Drive, Merritt
    - opposed to the re-zoning
    - lives across from C4 zoning now has to endure the noise and unruliness
    - why deviate from the OCP?
    - it is greed to destroy Merritt at any cost
    - very passionate in her beliefs
    - complaints regarding noise etc. are not being addressed by the City
    - the City could have bought the old Court house for as much as it cost to renovate the BC Hydro building for Circuit Court
    - do not re-zone
  - Madeleine Rabbitt - 1876 Nicola Avenue, Merritt
    - presented a petition with 718 signatures of residents opposed to the re-zoning
    - an option for Council would be to simply say no right now to the re-zoning
  - Bob Murray - 1813 Nicola Avenue, Merritt
    - built his home on Nicola 54 years ago
    - opposed to C4 zoning across the street
  - Kim Leclair - 1413 Canford Avenue, Merritt
    - agrees with views already expressed
    - overwhelming support with petition
    - Council's mandate is to protect the quality of life of the residents of Merritt

- heritage value of the building
  - owner's proposal is to enhance the property but this may not necessarily be the view of the next owner
  - appealed to Council to protect the building and the Cenotaph
  - need to protect the building on title
- Andrea Rogers - 1849 Quilchena Avenue, Merritt
    - lived here since 1955
    - attended many Remembrance Day ceremonies
    - upset the Cenotaph will be beside a restaurant - her husband would roll over in his grave
    - where would the Cenotaph be moved to?
    - turn down this re-zoning application
- May Chapman - 1717 Granite Avenue, Merritt
    - lived in Merritt 90% of her life
    - it is a crime the way we are loosing our heritage building
    - where is the cannon that used to sit in front of the old Court House?
    - dreadful the Court House was even sold
- Glen Carlson - 1952 Eastwood Avenue, Merritt
    - opportunity now to right a big wrong
    - Council made an error when the building came up for sale
    - City should have bought the building from BCBC
    - controversy in the community
    - Council should purchase the building making it a part of the community
    - a lot of tax payers money was spent modifying the BC Hydro building to have Circuit Court
    - sent a plea to the Mayor and Council to purchase the building for the community
- Lee Smallridge - 1401 Nicola Avenue, Merritt
    - Council has the power
    - where will parking come from - tearing down buildings or expanding the area
    - open imaginations as to what could be done with this building
- Mariette Luce - 1851 Granite Avenue, Merritt
    - letter

- Kevin Ryan – Coast Architectural Group
  - unfortunate building has been sold – but it has and must move forward
  - staying still in time is not realistic
  - proponent's offer to finance has 30 day time limit
  
- Bev Veale – 1357 Coldwater Avenue, Merritt
  - offer to finance by owner is surprise
  - traditional covenant on the Cenotaph
  - requests Council postpone decision to allow time for the community to consider offer

The Public Hearing was adjourned to reconvene on April 27, 2004 at 7:00 p.m.



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# CITY OF MERRITT

## MINUTES

**PUBLIC HEARING**  
**COUNCIL CHAMBER, CITY HALL**  
**TUESDAY, MAY 11, 2004**  
**AT 7:00 PM**

**1. PRESENT:**

---

Mayor David Laird  
Councillor B. Baird  
Councillor R. Gage  
Councillor S. Guertin  
Councillor H. Kroeker  
Councillor E. Reimer

**ABSENT**

Councillor R. Sherwood

**IN ATTENDANCE**

Ms. C. Fraser, Corporate Administrative Assistant  
Mr. T. Reynolds, Financial Services Manager  
Ms. R. Tolerton, Corporate Services Manager

**MEDIA**

Merritt Herald  
Merritt News  
Radio NL

19 Members of the Public

**2. CALL TO ORDER**

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Mayor Laird called the meeting to order at 7:01 p.m.

**3. STAFF REPORT**

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**MERRITT  
COURTHOUSE -  
CENOTAPH**

- 3.1 Merritt Courthouse - Cenotaph; Administrator's May 05, 2004 Memorandum (For Information Only)  
File: 3360 RX2003-03

**4. PROPONENT'S SUBMISSION**

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Kevin Ryan, Coast Architectural Group inquired if there were any pending responses to the offer made by the owner at the previous Public Hearing and recapped that re-zoning is the first

stage of development and issues can be addressed in the development permit stage.

5. PUBLIC SUBMISSIONS

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6. CONSIDERATION OF RETURNING BYLAW TO REGULAR COUNCIL MEETING FOR FURTHER READINGS

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0149/04

Moved, seconded and CARRIED

**THAT City of Merritt Official Community Plan Amendment Bylaw No. 1863, 2004 and City of Merritt Zoning Amendment Bylaw No. 1864, 2004 be considered at the Regular Council Meeting of May 11, 2004.**

7. TERMINATION OF MEETING

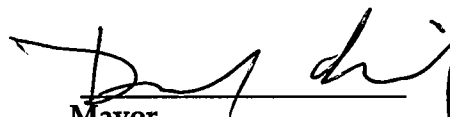
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The Mayor declared the meeting closed at 7:05 p.m.

**Certified correct in accordance with Section 124(2) (c) of the Community Charter.**

  
\_\_\_\_\_  
Corporate Services Manager

**Confirmed on the 25<sup>th</sup> Day of May, 2004.**

  
\_\_\_\_\_  
Mayor