

MINUTES OF THE SPECIAL COUNCIL MEETING HELD IN THE MUNICIPAL COUNCIL CHAMBERS ON TUESDAY, JANUARY 22, 2013 AT 7:05 P.M.

January, 28, 2013 Resolution No. 040 amended the January 22, 2013 Minutes to indicate Councillor Tyers was absent due to a conflict of interest.

Mayor D. Pernarowski presided. Councillors present were B. Bidgood, L. Christiansen, and M. Davies. Councillors J. Cordeiro, B. Downie and S. Tyers (due to conflict of interest) were absent. Also in attendance were H. Avison, Chief Administrative Officer, D. Block, Director of Development Services, J. Klie, Fire Chief, B. Miller, Senior Building Inspector, and A. Thompson, Clerk.

DELEGATIONS & GUESTS:

Request for Council's Reconsideration of Remedial Action Requirements Order (4450 Little Avenue)

The Mayor explained that the purpose of this Special Council meeting was to reconsider the Remedial Action Requirements Order resolved at the November 26, 2012 Regular Council meeting as requested by the occupant of 4450 Little Avenue, Mr. George Vogel on November 30, 2012. The Remedial Action Requirements Order was read, in part, by the Mayor and the process of the meeting was explained. Council must consider whether the building and property at 4450 Little Avenue is in or creates an unsafe condition, contravenes the building regulations and bylaw, and is so dilapidated or unclean as to be offensive to the community, a declared nuisance and hazardous.

The Director of Development Services presented a summary of the City Planner's report presented at the November 26, 2012 Regular Council meeting. He presented a history of the property. At the time of writing the November 26, 2012 report, the general character and state of the building and property at 4450 Little Avenue was offensive to many, occupied much staff time, and was the source of many complaints. The property had a history of disrepair and uncleanliness and the City had received complaints regarding the state of the property since the 1990s. It was the opinion of the Senior

Building Inspector that there was little value in improving or salvaging the building due to the numerous deficiencies. The upgrades to bring the building up to code are so significant that it would cost more than building a new building. The Fire Chief also noted numerous deficiencies and fire code violations.

In August 2012 Mr. Vogel wrote to the City indicating his intentions to clean up the property but at the time of the November 26, 2012 Council meeting many of the items of concern regarding the property and building were still outstanding.

The Director of Development Services recommended that Council amend the Remedial Action Requirements Order to have the 30 and 60 day deadlines extended by no less than 60 days to allow Mr. Vogel sufficient time to demolish the building and clean up the property.

As the executor of the estate of Bertha Vogel, property owner, and as the occupier of the subject property, Mr. George Vogel addressed the Council. Mr. Vogel described the history of his family in Terrace and indicated they purchased the Little Avenue property in 1960. It has been listed for sale numerous times and is currently listed with a local realtor.

Mr. Vogel believes that the City permitted zoning changes on other properties in the past which has affected his ability to sell his property which is zoned R5. Mr. Vogel stated that Terrace City Hall should have been located on the east side of Terrace but was built at its current location because of political influence.

Mr. Vogel believes the City has an agenda to replace the buildings on Little Avenue. He said he has an unsigned affidavit indicating that in July 2012 a man was found at the

subject property, with an unmarked vehicle, who indicated that he was from the City and he appeared to be surveying Mr. Vogel's property. Mr. Vogel stated that he did not believe the person worked for the City.

Mr. Vogel questioned the legality of the current process and described it as un-Canadian and unfair. He suggested that two years should be required to demolish a building.

Mr. Vogel implied that individuals connected with the Terrace and District Chamber of Commerce wish to revitalize the area around Little Avenue, that a local social service agency is working to move along the people who live in the area of Little Avenue, and that some of the neighbours who have complained about his property have a racist agenda.

In the spring of 2011 Mr. Vogel was working on repairing the building. A stop work order was placed on the building in April 2011 because the work was being done without a permit. He applied for a Building Permit from the City of Terrace and three times over the past year he tried to get the Building Permit and was denied. Mr. Vogel was unable to get the work done without the Building Permit.

The Director of Development Services confirmed that Mr. Vogel applied for a Building Permit to undertake plumbing work in May 2011 but did not pay the entire cost of the Building Permit fee at the time. In June 2011 he paid the fee. There was an inspection of the building by Staff and Mr. Vogel's application was only to undertake a portion of the work that was required. A Building Permit was not issued based on the drawings provided by Mr. Vogel as the entire building needed upgrading. The Director explained there had been a clerical error regarding the payment for the application and it was paid in full by Mr. Vogel.

Mr. Vogel asserted that if the Building Permit had been issued the building would have been in decent shape by now. If the demolition proceeds he asked what will happen to other properties that are in a similar condition to the subject property. He described a number of other properties around the City with buildings in a similar condition to the one at 4450 Little Avenue.

Mr. Vogel knows the condition of the building and feels the photos of the interior of the building that Staff provided to Council are damning. He said it is acceptable to store vehicles on a property if they are covered by a tarp. The tarps get removed and blown off but he tries to keep them covered. Some of the vehicles have been sold but the new owners have not come to get them.

Mr. Vogel has removed four pick-up and three flat-bed truckloads of garbage from the property. He has cleaned up the property substantially since the original order was issued.

Mr. Vogel asked Council to permit his property to be renovated. He listed some of the improvements he has made to the building over the years including new insulation in the roof, sprinklers and fire separation walls in the attic, natural gas heating and water, upgraded wired-in smoke detectors, exit signs and emergency lighting and 200 amp electrical. When parquet floors were installed in the building the installer noted that it is a well built building that is truly square. The wood foundation is good, with 6 inches of poured concrete for the floor.

When one of vehicles on his property caught on fire, the Fire Department was able to respond very quickly to put out the fire.

The building has lightening arrestors to protect the electrical equipment in the

building. There are 2 battery operated smoked detectors in this 5 bedroom home.

Mr. Vogel told the Council that in August 2012 he asked the Senior Building Inspector what he could do to ameliorate some of the problems he has had with the City. Mr. Vogel indicated he would cut the grass on the property. The windows on the building were boarded up, which the Building Inspector had indicated was a source of complaints about the building. Mr. Vogel had the plywood removed and someone broke the windows again. Mr. Vogel has recently purchased twin seal windows to replace the broken ones.

Mr. Vogel brought a piece of siding from the building to show that the entire building was constructed from perfectly clear, old growth cedar. All of the siding on the building could be flipped over and repainted. He agreed the painted side did not look good but that would not be a reason to demolish the building.

Mr. Vogel thought the building could be painted this spring, much of the yard work has been done, and the remaining garbage on the property is not visible from the road.

He offered to sell the property to the City of Terrace.

He reminded Council that he fixed up the building of his on free will. Mr. Vogel described the foundation as stronger than it was previously. The posts are not on gravel or dirt as it was indicated in the Senior Building Inspector's report, but they are on concrete. Mr. Vogel said there is nothing wrong with the foundation and whatever is wrong can be fixed. The plumbing has been upgraded. The kitchen is not temporary.

The Mayor asked about the condition of the rest of the building. Mr. Vogel described his plan to construct a three car garage on the north part of the building. He would like to

construct a greenhouse on the east end of the building. Although the building is old all it needs is cosmetic work.

Mr. Vogel believes he can fix up the building without spending a great deal of money. He has had other people volunteering to help him with the building. There is no longer a toilet in the yard as indicated in the City Planner's report; it was removed last spring. Mr. Vogel indicated if the demolition order is rescinded he would maintain the property and install new windows in the building.

The Mayor asked Staff to give their opinion regarding the current condition of the property. The Director of Development Services reviewed the building prior to January 9, 2013. The items in the yard were not removed as of then, but could have been removed by today. The condition of the building as it stands today is reflected in the photographs in the City Planner's report of November 26, 2012. The Fire Chief has been in the building twice and indicated that should a fire occur in the north part of the building it would result in a dangerous situation. He did not enter the part of the building where Mr. Vogel resides.

Thomas Ainscow, a tenant on the property, addressed the Council. He agreed that a trailer located on the property was a source of complaints but it has been removed. Mr. Ainscow said that Mr. Vogel would like to repair the building and he asked Mr. Ainscow to help him repair the building but only in the early morning or late day as Mr. Vogel does not have a permit to undertake the work. Mr. Ainscow asked the Council to give Mr. Vogel a fair chance. Some of the renters in the building have no other place to stay if the building was demolished.

Councillor Davies asked Mr. Vogel about the complaints by the neighbours. Mr. Vogel explained they are always making complaints

about different but related things. He believes one of his neighbours is prejudiced which is the motivation for his complaints. Mr. Vogel told the Council the feral cats on the property are being taken care of by the Feline Friendship Society. They have all been trapped and adopted.

The Mayor asked Council if they would like to make a decision at the meeting or defer the decision to a later public meeting.

Councillor Bidgood acknowledged that Mr. Vogel sees value in the property and would like to continue to work on it. He asked Staff if a Building Permit could be issued to Mr. Vogel to allow him to address all of the issues. The Senior Building Inspector explained when the first Building Permit application was made it was for just one portion of the building. The full fee was not paid initially, and a plumbing permit was issued later. It became apparent repairing the building would take a great deal of time and work. Staff had asked Mr. Vogel his intentions for the building. The work done on the back of the building was done without a permit and no drawings were provided for that work. The foundation of the building was repaired but not consistent with the building code. More information would need to be provided to staff to determine the proposed use of the space before a Building Permit could be issued.

Councillor Christiansen remarked on the long history of complaints regarding the property. There are other properties of similar vintage that are in better condition. While it is commendable that Mr. Vogel is caring for those who need housing, if the building is unsafe it should not be done.

Mayor Pernarowski expressed concern about the on-going unsafe condition of the building.

Council had a discussion regarding the feasibility of having a complete independent assessment of the building by a qualified professional such as an architect. It would require approximately 6 months to assess the building, present the findings to Staff, at which point a Building Permit could be issued. Building Permits have a two year expiry from the date of issue.

The Senior Building Inspector pointed out that if substantial investment was put into the repairs of the building and then a demolition order was issued then there would be a greater loss to the property owner and occupier.

The Mayor clarified that the issue for Council to consider is whether to confirm, amend or cancel the demolition order.

The Director of Development Services clarified that Building Inspectors do not determine the work that is required, but they review the application to determine if the proposal would meet Building Code requirements.

(No. 034)

MOVED/SECONDED that Council amend the Remedial Action Requirements Order issued to Bertha Vogel (deceased) and Mr. George Vogel (Occupier) for 4450 Little Avenue, to extend the deadline for the demolition and removal of all buildings on the Property and the clean-up of debris and resultant materials from the demolition to 120 days from date of Notice.

Carried.

**QUESTIONS/COMMENTS
FROM THE MEDIA:**

There were no questions from the Media.

ADJOURNMENT:

MOVED/SECONDED that January 22, 2013 Special Meeting of Council be now adjourned.

(No. 035)

Carried Unanimously.

The meeting adjourned at 8:55 p.m.

CERTIFIED CORRECT:

Mayor

Clerk