

**Amherst Town Council
Special Meeting
Minutes**

Date: February 20, 2019
Time: 12:00 pm
Location: Council Chambers, Town Hall

Members Present Mayor David Kogon
Deputy Mayor Sheila Christie
Councillor Vince Byrne
Councillor Wayne MacKenzie
Councillor Terry Rhindress

Members Absent Councillor Jason Blanch
Councillor Darrell Jones

Staff Present Greg Herrett, CAO
Jason MacDonald, Deputy CAO Operations
Natalie LeBlanc, Deputy Clerk
Kim Jones, Municipal Clerk
Andrew Fisher, Manager of Planning & Strategic Initiatives
Marc Buske, Dangerous/Unsightly Premises Administrator

Others Present Terry Farrell, Legal Representation
Jim O'Neil, Legal Representation
Jack Van der Donk, 150 East Victoria Street Property Owner

1. CALL TO ORDER

Mayor Kogon called the meeting to order at 12:00 p.m.

Moved By Councillor Byrne

Seconded By Councillor Rhindress

To move to an in camera session as per the MGA Section 22 (2)(f) litigation or potential litigation.

Motion Carried

Moved By Councillor MacKenzie

Seconded By Councillor Rhindress

To return to the open session.

Motion Carried

2. PUBLIC HEARING - 150 EAST VICTORIA STREET DEVELOPMENT AGREEMENT

Mayor Kogon opened the public hearing for 150 East Victoria Street.

2.1 Staff Report

Mr. Fisher reviewed the staff report included as part of the agenda package indicting that an application for a development agreement has been received to change the use of 5 motel units to 5 dwelling units. The remaining 10 motel units and 2-bedroom owner apartment would remain unchanged. He also indicated that an advertised Public Participation Opportunity was held on December 3, 2018 and attended by two residents and the proponents. The major issues raised were related to the lack of landscaped open space, building code compliance and current esthetics of the property. The Planning Advisory Committee met again on December 14 and passed a motion recommending that Council enter into the proposed Development Agreement for 150 East Victoria Street, but amended to include maintenance to all cladding, create a green space between the lower building and Herbert Street where possible, create a minimum of 600 square feet of amenity space, that any vents on north side of the lower building meet the national building code, and that there is repair of pavement within 12 months of an occupancy permit. These amendments are incorporated into the attached development agreement and shown in red text. Council gave first reading of the Development Agreement at their regular meeting on January 28, 2019.

2.2 Committee Questions / Comments

Deputy Mayor Christie clarified that a development agreement needs to be issued before any permits for renovations can be issued. Mr. Fisher confirmed this to be correct.

2.3 Owner Questions / Comments

Jack Van der Donk, the property owner, was in attendance. He noted the work done to date, including floors, bathroom renovations, electrical work, installation of new doors, etc. Committee had no questions for the owner.

2.4 Public Questions / Comments

No one from the public in attendance; however, a letter of objection received from George Chapman was included as part of the agenda package and was read aloud as part of the meeting record.

There being nothing further Mayor Kogon closed the public hearing for 150 East Victoria Street.

3. 196 EAST VICTORIA STREET APPEAL HEARING REGARDING PLANNING ADVISORY COMMITTEE ORDER TO DEMOLISH

Mayor Kogon began the appeal hearing for 196 East Victoria Street.

3.1 Staff Report

Mr. MacDonald reviewed the staff report as included as part of the agenda package, pointing out that an appeal has been received by the property owner of a November 13, 2018 motion of the Planning Advisory Committee to accept the recommendation of the Dangerous and Unsightly Premises Administrator and order the buildings on the property located at 196 East Victoria Street be demolished.

3.2 Committee Questions / Comments

There were no questions or comments from the Committee at this time.

3.3 Owner Questions / Comments

Jim O'Neil was in attendance as a legal representative on behalf of the property owner. Mr. O'Neil asked for an adjournment, indicating that he spoke with Mr. Wells who is hoping to remedy the deficiencies, and would like 60 days to bring a plan to staff. He did recognize the history with this property, and believes it would be appropriate to allow Mr. Wells more time.

Deputy Mayor Christie asked Mr. O'Neil if he has seen the property or the pictures of the property, and stated that in her opinion this is not a healthy environment, and poses a safety hazard, not only for the owner but also to properties and residences nearby. Mr. O'Neil replied he understood the Deputy Mayor's concerns; however he could not speak to the condition of the property as he has been asked to simply ask for an adjournment on behalf of Mr. Wells.

There being nothing further Mayor Kogon ended the appeal hearing for 196 East Victoria Street.

4. 59 CHURCH STREET APPEAL HEARING REGARDING PLANNING ADVISORY COMMITTEE ORDER TO DEMOLISH

Mayor Kogon began the appeal hearing for 59 Church Street.

4.1 Staff Report

Mr. MacDonald reviewed the staff report as included as part of the agenda package noting that an appeal has been received by the property owner of a January 18, 2019 motion of the Planning Advisory Committee to accept the recommendation of the Dangerous and Unsightly Premises Administrator and order the building on the property located at 59 Church Street be demolished.

4.2 Committee Questions / Comments

Councillor MacKenzie asked if we can give the property owner more time, and then issue the demolition order. Mr. MacDonald replied that you cannot give an either / or option, for example order repairs and if they are not completed order demolition. He added that if the Committee were to order repairs of the property he would suggest that it should include a review by a structural engineer of the entire building, a detailed listing by an engineer of what needs to be done to bring the building into compliance with all applicable codes, as well as a time line of when work will start and various completion dates so that if such plan is not being followed Council can review the situation.

Mr. Herrett commented that in terms of process this is an appeal hearing to give an opportunity for the property owner to be heard, no decision is being made today, a decision will most likely be made by Council at their regular meeting on February 25, 2019.

Mayor Kogon asked about all of the orders previously issued and if the owner has complied. Mr. MacDonald replied that the property owner was given an order to vacate the property in 2016, which was followed up days later with a letter from the Administrator outlining the deficiencies that would need to be repaired to bring the property to

compliance. There was no order to fix those deficiencies, the order was to vacate as it was not safe for the people living there. Therefore, the order is being complied with as no one is living there. There are now three options, order repair, removal or demolition. It is his opinion, and the opinion of the Administrator and the Planning Advisory Committee to order demolition.

Deputy Mayor Christie commented on the history of non-compliance, and spoke to Mr. Green's engineering report and his statement that investment would not be worth repairing because of the state of the building.

4.3 Owner Questions / Comments

The owner was not in attendance however correspondence received him was included in the agenda package.

There being nothing further Mayor Kogon concluded the appeal hearing for 59 Church Street.

5. ADJOURNMENT

Moved By Councillor MacKenzie

Seconded By Councillor Rhindress

To adjourn the meeting.

Motion Carried

Kimberlee Jones
Municipal Clerk

David Kogon, MD
Mayor