

TOWN OF NIVERVILLE

Minutes of the regular meeting of the Niverville Town Council held on November 7, 2023, at 9:00 a.m. at the Niverville Community Resource and Recreation Centre. In attendance were Mayor Myron Dyck, Deputy Mayor Chris Wiebe, Councillors Nathan Dueck, Bill Fast and Meghan Beasant.

Res#283-23 Agenda	B. Fast – N. Dueck BE IT RESOLVED that the agenda be approved as presented. “Carried”
Res#284-23 Minutes	C. Wiebe – M. Beasant BE IT RESOLVED that the minutes of the regular Council meeting held on October 17, 2023 be approved as presented. “Carried”
Res#285-23 Table Agenda	B. Fast – N. Dueck BE IT RESOLVED that the Council meeting agenda be tabled and that Council sit in accordance with <i>The Planning Act</i> to hold the combined Public Hearing for Conditional Use application C21-23 and Variance application V19-23 for 9 Heritage Trail. “Carried”
Res#286-23 Resume	B. Fast – N. Dueck BE IT RESOLVED that the combined Public Hearing for Conditional Use C21-23 and Variance V19-23 be closed and Council resume its former order of business (9:16 a.m.). “Carried”
Res#287-23 C21-23 V19-23	N. Dueck – C. Wiebe WHEREAS a combined Public Hearing was held regarding Conditional Use application C21-23 and Variance application V19-23, an application from Victoria Petrenko to allow at 9 Heritage Trail, a retail automotive service and sales business and two 2 ft. x 10 ft. freestanding advertising flags, along with the following variances: <ol style="list-style-type: none">1) Vary the requirement for a vehicle entrance and exit of 20 ft. each for an auto-oriented business to one combined vehicle entrance and exit of 50 ft;2) Vary permitted identification sign per use from 1 to 2 identification signs for this use, with signs to be located on the east and west side of the building and vary the maximum aggregate signage from 100 sq. ft. to a maximum aggregate signage of 348 sq. ft.;3) Vary the required parking stalls from 15 to 11; and4) Vary the minimum driving aisle width from 24 ft to 18.5 ft. AND WHEREAS in accordance with <i>The Planning Act</i> , the combined Conditional Use and Variation application was duly advertised; AND WHEREAS there was one letter opposing the requirement for the variances and one letter of opposition received to the proposal; AND WHEREAS Council requested clarification regarding environmental approval(s) and the need for a fire inspection prior to making a decision; THEREFORE BE IT RESOLVED that Council tables the decision on the combined Conditional Use application C21-23 and Variance application V19-23 in order to allow for staff to research the requirement for environmental approval(s) and the need for a fire inspection. “Carried”

Res#288-23 BL801-18	<p>C. Wiebe – F. Fast</p> <p>BE IT RESOLVED that the Schedule “A” of Bylaw 801-18 (Niverville Parking Bylaw) be updated to have the “No Parking” zone changed to the north side of Murcar Street and removed from the south side of Murcar Street.</p> <p>“Carried”</p>
Res#289-23 Award Contract	<p>C. Wiebe – M. Beasant</p> <p>BE IT RESOLVED that following the Town’s due tendering process, that the contract for the Town’s 2024 Flowers be awarded to Red Valley Plant Market and Landscaping Inc., who submitted the lowest bid of \$9,646.56.</p> <p>“Carried”</p>
Res#290-23 Award Contract	<p>C. Wiebe – B. Fast</p> <p>BE IT RESOLVED that following the Town’s due tendering process, that the contract for the Town’s 2023/2024 Snow/Salt/Sand Hauling be awarded to Barkman Cartage, who submitted the lowest overall bid.</p> <p>“Carried”</p>
Res#291-23	<p>C. Wiebe – M. Beasant</p> <p>BE IT RESOLVED that Council approves the revision to Subdivision 4340-21-8578, which revises the boundaries for the condo units at 735 Schultz Avenue.</p> <p>“Carried”</p> <p>Mayor Myron Dyck thanked the organizers of the Heritage Centre Gala, all those who came and donated, along with the guest speaker Mr. Jon Montgomery, for his time and inspirational thoughts. He also expressed his desire for the Hanover School Division and Educational Assistants to be able to come to an agreement for the benefit of the children and families involved. Lastly, Mayor Dyck introduced and welcomed the Town’s newest employee, the Director of Communications and Public Relations, Cyrus Reimer.</p>
Res#292-23 Accounts	<p>B. Fast – N. Dueck</p> <p>BE IT RESOLVED that cheque nos. 43389 to 43488 totalling \$4,712,872.40 be hereby approved for payment.</p> <p>“Carried”</p>
Res#293-23 Award Contract	<p>B. Fast – M. Beasant</p> <p>BE IT RESOLVED that following the Town’s due tendering process, that the contract for the Town’s Development Plan and Zoning Bylaw Review be awarded to Urban Systems Ltd., who submitted the highest scoring bid of \$87,469.00 (plus applicable taxes).</p> <p>“Carried”</p>
Res#294-23 Nighthawks Grant	<p>C. Wiebe – B. Fast</p> <p>WHEREAS Tom and Barb Kleysen have donated funds to support the Niverville Nighthawks;</p> <p>AND WHEREAS the Niverville Nighthawks are owned by the Niverville Junior A Hockey Club, a community-owned not for profit hockey organization representing Niverville and region;</p> <p>THEREFORE BE IT RESOLVED a grant in the amount of \$25,000.00 representing a donation received from Tom and Barb Kleysen for the Niverville Nighthawks be provided to the Niverville Junior A Hockey Club Inc.</p> <p>“Carried”</p>

Res#295-23
Extension
C3-23

C. Wiebe – M. Beasant

WHEREAS under The Planning Act [110(1)], an applicant must take steps to establish the use authorized by the conditional use order within 12 months of the date of the decision or the conditional use will expire and cease to have any effect;

AND WHEREAS Council may extend this deadline for an additional period not longer than 12 months if an application is received before the deadline when the order expires;

AND WHEREAS an extension request was received on November 2, 2023 for Conditional Use C3-23 for Lot 14, Plan 61759, civically known as 460 Kuzenko Street, originally dated February 7, 2023 and expiring on February 7, 2024;

THEREFORE BE IT RESOLVED THAT Council approves a one year extension to February 7, 2025 to Conditional Use C3-23 for Lot 14, Plan 61759, civically known as 460 Kuzenko Street, which requires the applicant to take steps to establish the use authorized by the conditional use order prior to the February 7, 2025 expiry date, or apply for a second extension prior to the expiry of the first extension.

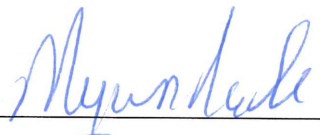
“Carried”

Res#296-23
Adjourn

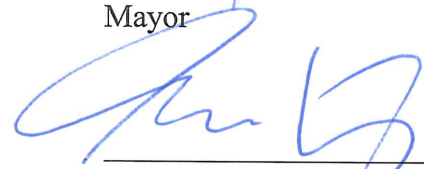
M. Beasant – B. Fast

BE IT RESOLVED that the meeting be adjourned. (10:01 a.m.)

“Carried”



Mayor



Chief Administrative Officer

November 7, 2023 Council Minutes Schedule A

Schedule "A"

Bylaw 801-18

Amended July 9, 2019

September 3, 2019

November 5, 2019

April 21, 2020

December 21, 2021

June 21, 2022

October 18, 2022

November 15, 2022

December 20, 2022

July 18, 2023

September 5, 2023

October 3, 2023

November 7, 2023

The following traffic signs are hereby authorized to be erected and enforced, namely:

"NO PARKING"

Fourth Street South	- north side	- entire length
Third Street South	- south side	- entire length except Sunday
Second Street South*	- south side	- entire length
First Street South	- south side	- 2 nd Ave. S. to 5 th Ave. S.
	- north side	- Heritage Trail to Second Ave South
First Street North	- south side	- entire length
Second Street North	- south side	- entire length
Third Street North	- south side	- entire length
Hespeler Park Drive	-both sides	- entire length
Heritage Trail	- west side	- entire length
Second Avenue South *	- west side	- First St. South to Fourth St. South
Third Avenue South	- west side	- First St. South to Fourth St. South
Fourth Avenue South	- west side	- Fourth St. South to First St. South
Fourth Avenue South	-east side	- Main Street to First St. South
Prairie Trail	- east side	- entire length
Prairie Trail	-west side	-Prairie Crossings to 2 nd St. North
Second Avenue North	- east side	- First St North to Third St North
Second Avenue North	- west side	- entire length
Third Avenue North	- east side	- entire length
Fourth Avenue North	- east side	- entire length
Fifth Avenue North	- east side	- entire length
Spruce Drive	- north side	- entire length
Edelweiss Crescent	- inside of Crescent	- entire length
Roselawn Bay	- inside of Bay	- entire length
Ashgrove Crescent	- inside of Crescent	- entire length
Maplewood Crescent	- inside of Crescent	- entire length
South Park Drive	- inside of Drive	- entire length
Lilac Place	- south side	- entire length
Linden Place	- south side	- entire length
Elmdale Place	- south side	- entire length
Redwood Place	- south side	- entire length
Aspen Avenue	- east side	- entire length
Ritchot Drive	- inside of Drive	- entire length
Church Avenue	- south side	- entire length
Mulberry Avenue	- east side	- north of Centre Street
	- between PR311 and Centre Street	

Carnoustie Cove	- west side	- entire length
Troon Cove	- west side	- entire length
Lytham Place	- south side	- entire length
Saint George Place	- south side	- entire length
Saint Andrews Way	- inside or west side	- entire length
Muirfield Cove	- south side	- entire length
Tweed Lane	-north & west of Lane	-entire length
Tweed Lane North	- hammerhead section on Tweed north	
Dochart Gate	-south side of Gate	-entire length
Birkdale Cove	- south side	- entire length
Turnberry Cove	- south side	- entire length
Aberdeen Drive	- west side	- entire length
Balgownie Bay	- inside of bay	-entire length
Cedar Drive	- south side	- entire length
Bronstone Drive	- north side	- entire length
Hampton Drive	- south side	- entire length
Hill Crest Court	- west side	- entire length
Bentley Place	- west side	- entire length
Claremont Drive	- west side	- entire length
Cobblestone Court	- outside of Court	- entire length
Errington Place	- north side	- entire length
Errington Way	- north side	- entire length
Kingsley Gate	- south side	- entire length
Beaumont Circle	- outside of circle	- entire length
Carling Circle	- outside of circle	- entire length
Arena Road	- both sides	- entire length
Park Road	- north side	- entire length
Centre Street	- both sides	- from Arena to Mulberry
Ellington Way	- inside of Way	- from Claremont to elbow
Breckenridge Dr	- east side	- entire length
Landsbury Lane	- north side	- entire length
Landsbury Terrace	- east side	- entire length
Landsbury Terrace	- hammerhead section at end of street	
Cambridge Way	- south side	- entire length
Kirkdale Drive	- west and south side	- entire length
Ashcroft Cove	- north side	- entire length
Stratford Place	- north east side	- entire length
Foxdale Way	- east side	- entire length
Briarfield Court	- south and east side	- entire length
Kipling Lane	- north side	- entire length
Sheffield Way	- north side	- entire length
Wyldeewood Crescent	- east side	-entire length
Alders Gate	- east side	- entire length
Denby Cove	- east side	- entire length
Hawthorne Way	- north side	- entire length
Wyndham Court	- outside of loop	- entire length
Krahn Road	- west side	- between PR311 and Crown Valley Road
Gleneagles Street -	- north side	- entire length
Gullane Street -	- north side	- entire length
Kingshead Road	- east side	- entire length
Murcar Street	- north side	- entire length
Prestwick Street -	- north side	- entire length

***NO PARKING MIDNIGHT TO 6 A.M.- MONDAY THRU SUNDAY (NBP)**

Wittick Street	-both sides	-entire length
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Kuzenko Street	-both sides	-entire length
Schultz Avenue	-both sides	-entire length
Pauls Street	-both sides	-entire length

***NO PARKING 8:15 A.M. TO 9:15 P.M.- MONDAY THRU FRIDAY**
 First Street North - north side - Third Avenue North to Fourth Avenue North

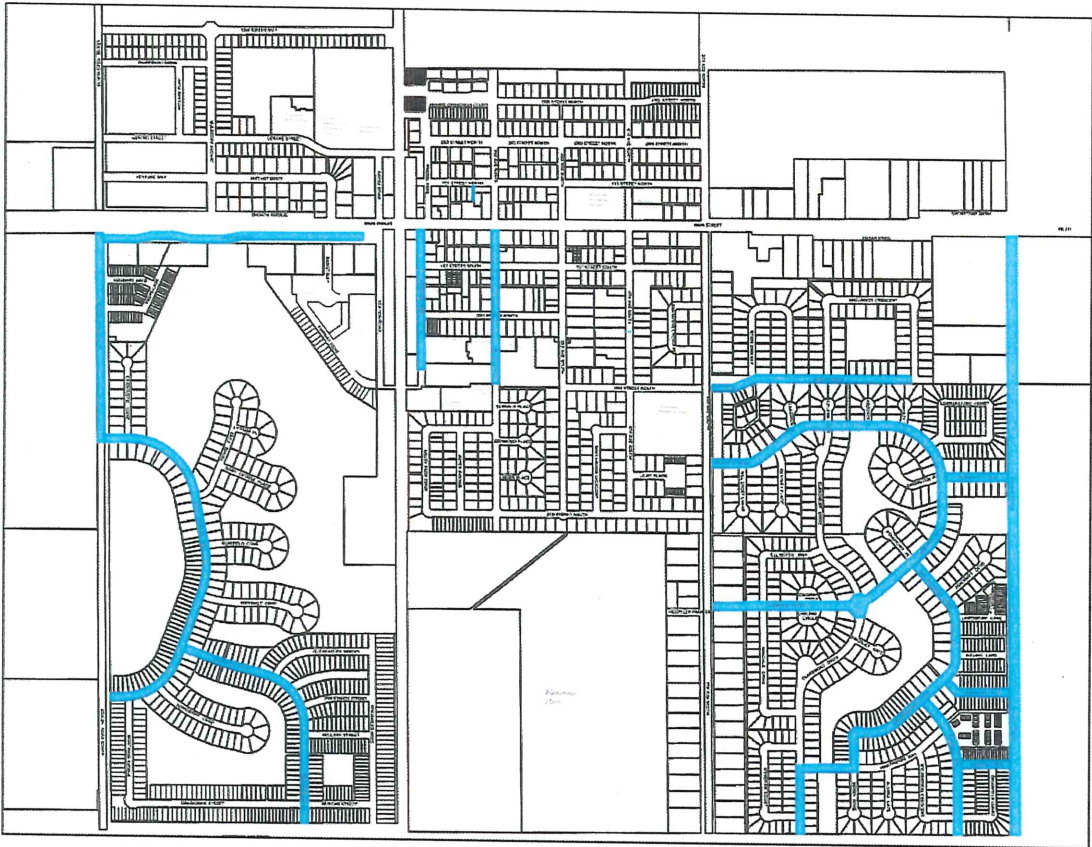
***2 HOUR PARKING LIMIT BETWEEN THE HOURS OF 6 A.M. TO 6 P.M., MONDAY THRU FRIDAY**
 Second Avenue South -east side -between 2nd St. S and Elmdale Place
 Second Street South -north side -between 3rd Ave. S. and Heritage Trail

***15 MINUTE PARKING LIMIT BETWEEN THE HOURS OF 6 A.M. TO 11 P.M., SEVEN DAYS A WEEK**
 Fourth Avenue South -east side -between First St S & Main St.

“NO STOPPING”, “5 MINUTES PARKING LIMIT”, “NO PARKING, LOADING ZONE”
 “4-WAY STOP” Intersections, “LOAD RESTRICTIONS”, As posted on the authority of a Resolution of Council when necessary. “PLAYGROUND” SIGNS”

Designated Snow Route

During the period of November 1st, through May 1st annually, a **Designated Snow Route** will be in effect. This means that all vehicles (including trailers) are not permitted to park on any of the streets identified below between the hours of **6 am to 6 pm**, 7 days a week. Vehicles (including trailers) that are parked on the streets identified below may be ticketed and towed at the owner’s expense.



2 nd Avenue S.	Foxdale Way
6 th Ave. S. (not including gravelled parking lane)	Hampton Drive
Aberdeen Drive	Hawthorne Way (as shown)
Back lane behind 41 Main Street	Heritage Trail
Breckenridge Drive	Krahn Road (PR 311 to Saint Andrews Way north entrance)
Cambridge Way	Sheffield Way
Claremont Drive (south portion as shown)	Spruce Drive
Drover’s Run	Saint Andrews Way
Errington Way	

Minutes of the combined Public Hearing held on November 7, 2023, at 9:01 a.m. regarding Conditional Use C21-23 and Variance V19-23, applications from Victoria Petrenko to allow for a retail automotive service and sales business and two 2 ft. x 10 ft. freestanding advertising flags at 9 Heritage Trail. The proposals were duly advertised as per Section 169 of *The Planning Act*. Mayor Myron Dyck served as chairperson, with Deputy Mayor Chris Wiebe and Councillors Nathan Dueck, Bill Fast and Meghan Beasant in attendance.

Mr. Eric King, CAO, provided an overview of the proposal, noting that the combined public hearing was for a Conditional Use to allow for a retail automotive service and sales business and two 2 ft. x 10 ft. freestanding advertising flags, and the Variances were to:

1. Vary the requirement for a vehicle entrance and exit of 20 ft. each for an auto-oriented business to one combined vehicle entrance and exit of 50 ft;
2. Vary permitted identification signs per use from 1 to 3 identification signs for this use, with signs to be located on the north, east and west side of the building and vary the maximum aggregate signage from 100 sq. ft. to a maximum aggregate signage of 348 sq. ft.;
3. Vary the required parking stalls from 15 to 11; and
4. Vary the minimum driving aisle width from 24 ft to 18.5 ft.

The background is that this proposal is for the operation of an automotive sales and service business with 2 staff, work is scheduled by appointment only, and includes the option for vehicle sales. The applicant is requesting 2 advertising flags and 3 identification signs. The building has an existing tenant using the south unit for storage and there are two Heritage signs on the west side of the building which are excluded from the signage calculation.

Two letters were read into the minutes:

Mr. Wayne Weight (Building Owner) – expressed concerns over the requirement for the variance and fee charged for the number driveways and the number of identification signage allowed. He also expressed his desire to allow the Heritage signs to remain on the rear of his building.

Mr. Dave Savage (Building Tenant) – Objected to having only 1 driveway onto the property in front of Mr. Savage's unit as well as the lack of interior drainage, lack of fire walls separating the two units, lack of fire extinguishers and general environmental regulations.

The applicant, Ms. Victoria Petrenko, explained details of the type of service they will provide and the reasons for not needing drainage within the building.

Councillor Dueck asked if there was a drain in the building.

Ms. Petrenko advised that there currently isn't a drain in the building, but the owner indicated that one could be put in if needed. Mr. Pavel Petrenko further clarified that if vehicles are dirty, they are cleaned off or taken to a car wash prior to being brought inside.

Mayor Dyck questioned the applicant about a firewall or separation between the units.

Ms. Petrenko responded that there are two separate units with a separating wall and a door.

Mayor Dyck questioned the CAO, whether it is mandated that this type of building have specific separation regarding fire code.

Mr. King responded that clarification from Niverville's Fire Chief will be required.

Ms. Petrenko advised that when they had a fire inspection at their Bronstone location, that having a man door between the units was not a concern.

Mayor Dyck further clarified that the concern related to what would happen if a fire was to occur in her unit, that the tenant occupying the other unit would not be impacted, as there would be an appropriate fire barrier in place.

Deputy Mayor Wiebe added that the concern is about a firewall not being in between the two units in the attic.

Ms. Petrenko clarified that they may hire 2 or 3 staff, and that they only service cars, not large trucks, and they do not have multiple customers coming every day, only approximately 8-10 per week by appointment only. They do not provide quick lube service and the proposed space is the same as their current location at 349 Bronstone Drive, so it will be large enough. She noted that her original request was for three signs because she did not know what would be approved, and that they only require two signs, one on the front and one at the rear of the building.

Deputy Mayor Wiebe asked if the sign would cover the graffiti on the rear of the building.

Ms. Petrenko advised that she wasn't aware of the graffiti.

Councillor Dueck commented that the graffiti would be the responsibility of the owner of the building to remove.

The public hearing was closed at 9:16 a.m.