

TOWN OF NIVERVILLE

Minutes of the regular meeting of the Niverville Town Council held on July 16, 2024 at 7:00 p.m. at the Niverville Community Resource and Recreation Centre. Mayor Myron Dyck, Deputy Mayor Chris Wiebe and Councillors Nathan Dueck, Bill Fast, and Meghan Beasant were in attendance.

- Res#153-24  
Agenda  
B. Fast – M. Beasant  
BE IT RESOLVED that the agenda be approved as presented.  
“Carried”
- Res#154-24  
Minutes  
C. Wiebe – B. Fast  
BE IT RESOLVED that the minutes of the regular Council meeting held on June 18, 2024, and Special Council meeting held on June 25, 2024 be approved as presented.  
“Carried”
- Res#155-24  
Table  
Agenda  
B. Fast – N. Dueck  
BE IT RESOLVED that the Council meeting agenda be tabled and that Council sit in accordance with *The Planning Act* to hold the combined Public Hearing for Conditional Use application C10-24 and Variance V5-24 for 86 3<sup>rd</sup> Avenue S.  
“Carried”
- Res#156-24  
Resume  
B. Fast – M. Beasant  
BE IT RESOLVED that the combined Public Hearing for Conditional Use C10-24 and Variance V5-24 for 86 3<sup>rd</sup> Avenue S. be closed and Council resume its former order of business (7:08 p.m.).  
“Carried”
- Res#157-24  
C10-24  
V5-24  
N. Dueck – C. Wiebe  
WHEREAS a combined Public Hearing was held regarding Conditional Use C10-24 and Variance V5-24, an application from Burt Hiebert on behalf of Greenwood Developments to allow for a residential Planned Unit Development with 4 dwelling units on Lot 26 Block 6 Plan 19956, along with the following Variances:  
▪ To vary the rear yard setback from 25 feet to no less than 17.88 feet  
▪ To vary the north side yard setback from 15 feet to no less than 9 feet  
▪ To vary the front yard setback from 30 feet to no less than 22 feet  
▪ To vary the driving aisle and approach from 24 feet to no less than 20 feet  
▪ To vary the site width from 100 feet to 99.93 feet  
▪ To vary the required number of handi-cap parking stalls from 1 to zero;  
AND WHEREAS in accordance with *The Planning Act*, the Conditional Use and Variance application were duly advertised;  
AND WHEREAS there was no opposition to the Conditional Use application and one letter of opposition to the Variance for the handi-cap parking requirement;  
THEREFORE BE IT RESOLVED that Council approves Conditional Use C10-24 and Variance V5-24, an application to allow for a residential Planned Unit Development with 4 dwelling units on Lot 26 Block 6 Plan 19956, along with the following Variances:  
▪ To vary the rear yard setback from 25 feet to no less than 17.88 feet  
▪ To vary the north side yard setback from 15 feet to no less than 9 feet  
▪ To vary the front yard setback from 30 feet to no less than 22 feet  
▪ To vary the driving aisle and approach from 24 feet to no less than 20 feet  
▪ To vary the site width from 100 feet to 99.93 feet  
subject to the following condition:  
1) That the Developer enter into a Development Agreement with the Town.  
“Carried”

Res#158-24 Table Agenda	C. Wiebe – M. Beasant 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 Public Hearing for Conditional Use application C11-24 for Unit 2 of 31 Main Street.  “Carried”
Res#159-24 Resume	B. Fast – N. Dueck BE IT RESOLVED that the Public Hearing for Conditional Use C11-24 for Unit 2 of 31 Main Street be closed and Council resume its former order of business (7:13 p.m.).  “Carried”
Res#160-24 C11-24	N. Dueck – B. Fast WHEREAS a Public Hearing was held regarding Conditional Use C11-24, an application from AR Eissa – barBurrito Restaurants Inc. to allow for an eating and drinking establishment and a 12-seat patio in a Commercial Main Street Zone on Lot 15 Block 12 Plan 19955, civically known as Unit 2-31 Main Street; AND WHEREAS in accordance with <i>The Planning Act</i> , the Conditional Use application was duly advertised; AND WHEREAS there was no opposition received to the proposal; THEREFORE BE IT RESOLVED that Conditional Use C11-24, an application to allow for an eating and drinking establishment and a 12-seat patio in a Commercial Main Street Zone on Lot 15 Block 12 Plan 19955, civically known as Unit 2-31 Main Street be approved subject to the following conditions: <ol style="list-style-type: none"> <li>1) That all product deliveries are directed to the rear of the building;</li> <li>2) That the applicant ensure that all signage is in compliance with the Town’s Zoning Bylaw;</li> <li>3) That the applicant provide a garbage receptacle in the vicinity of the tables;</li> <li>4) That the tables are located on private property; and</li> <li>5) That the patio is limited to a maximum seating capacity of 12.</li> </ol> “Carried”
Res#161-24 Table Agenda	B. Fast – M. Beasant 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 Public Hearing for Conditional Use application C12-24 for 73 Claremont Drive.  “Carried”
Res#162-24 Resume	B. Fast – M. Beasant BE IT RESOLVED that the Public Hearing for Conditional Use C12-24 for 73 Claremont Drive be closed and Council resume its former order of business (7:45 p.m.).  “Carried”
Res#163-24 C12-24	C. Wiebe – B. Fast WHEREAS a Public Hearing was held regarding Conditional Use C12-24, an application from Adam Szendrei to allow for a home-based automotive detailing business to operate on Lot 50, Plan 50833, civically known as 73 Claremont Drive; AND WHEREAS in accordance with <i>The Planning Act</i> , the Conditional Use application was duly advertised; AND WHEREAS there were 3 letters of opposition to the proposal and 24 letters of support for the business proposal;

THEREFORE BE IT RESOLVED that Council approves Conditional Use C12-24-23, to allow for a home-based automotive detailing business to operate on Lot 50, Plan 50833, civically known as 73 Claremont Drive subject to the following conditions:

- (1) That the applicant provide on-site parking for clients;
- (2) That the applicant obtain an annual Business License from the Town;
- (3) That the applicant comply with all Standards for Home-based businesses as noted in the Town's Zoning Bylaw; and
- (4) That this Conditional Use approval will expire on **July 16, 2026**. The applicant will be required to reapply by **June 15, 2026**, with the Conditional Use application fee to be waived for the second application if the application is received on or before June 15, 2026.

“Carried”

Res#164-24  
Table  
Agenda

M. Beasant – C. Wiebe

BE IT RESOLVED that the Council meeting agenda be tabled and that Council sit in accordance with *The Planning Act* to hold the Public Hearing for Conditional Use application C13-24 for 180 Main Street and 10 Fourth Avenue.

“Carried”

Res#165-24  
Resume

C. Wiebe – M. Beasant

BE IT RESOLVED that the Public Hearing for Conditional Use C13-24 for 180 Main Street and 10 Fourth Avenue C7-24 be closed and Council resume its former order of business (8:28 p.m.).

“Carried”

Res#166-24  
C13-24

N. Dueck – M. Beasant

WHEREAS a Public Hearing was held regarding Conditional Use C13-24, an application for renewal from 3524958 Manitoba Ltd. to allow the following:

- Advertising signage on Lots 6, 7 and 8, Block 3, Plan 19956, civically known as 180 Main Street consisting of the following:
  - 4 sandwich boards 11 sq. ft. each (total 44 sq. ft.);
  - 7 advertising signs 15 sq. ft. each (total 105 sq. ft.) for placement on the building at 180 Main Street;
  - Other signage
    - Artic Ice Freezer 12 sq. ft.;
    - Firewood Box 1 sq. ft.;
    - Coop Propane Tank 36 sq. ft.;
    - 2 soft drink vending machines 21 sq. ft. each (total 42 sq. ft.);
    - 8 feather flags (seasonal) 20 sq. ft. each (total 160 sq. ft.);
- Advertising signage on Lot 1 Block 4 Plan 19956, civically known as 10 Fourth Avenue S. consisting of the following:
  - 5 advertising signs x 16 sq. ft. on fence facing Main Street (total 80 sq. ft.);
  - 13 advertising signs x 11 sq. ft. on fence facing Main Street (total 143 sq. ft.); and
  - One 2-sided portable rental sign total 90 sq. ft.;

AND WHEREAS in accordance with *The Planning Act* the Conditional Use was duly advertised;

AND WHEREAS there was no opposition brought forward to the proposal;

THEREFORE BE IT RESOLVED that Council approves Conditional Use C13-2024, to allow the following:

- Advertising signage on Lots 6, 7 and 8, Block 3, Plan 19956, civically known as 180 Main Street consisting of the following:

- 4 sandwich boards 11 sq. ft. each (total 44 sq. ft.);
- 7 advertising signs 15 sq. ft. each (total 105 sq. ft.) for placement on the building at 180 Main Street;
- Other signage
  - Artic Ice Freezer 12 sq. ft.;
  - Firewood Box 1 sq. ft.;
  - Coop Propane Tank 36 sq. ft.;
  - 2 soft drink vending machines 21 sq. ft. each (total 42 sq. ft.);
  - 8 feather flags (seasonal) 20 sq. ft. each (total 160 sq. ft.);
- Advertising signage on Lot 1 Block 4 Plan 19956, civically known as 10 Fourth Avenue S. consisting of the following:
  - 5 advertising signs x 16 sq. ft. on fence facing Main Street (total 80 sq. ft.);
  - 13 advertising signs x 11 sq. ft. on fence facing Main Street (total 143 sq. ft.); and
  - One 2-sided portable rental sign total 90 sq. ft.;

subject to the following conditions:

1. That no signage be placed on the Town boulevard or road allowance;
2. That signage cannot impede sight lines for intersection at Fourth Avenue S. or Main Street access;
3. That the Conditional Use is granted exclusively to 3524958 Manitoba Ltd.; and
4. That 3524958 Manitoba Ltd. shall follow the regulations in the Town's Zoning Bylaw in force for perpetuity.

“Carried”

Res#167-24  
EE Handbook

N. Dueck – B. Fast

BE IT RESOLVED that Council approves updates to the Employee Handbook, effective August 1, 2024.

“Carried”

Res#168-24  
RSR  
Definitive  
Agreement

C. Wiebe – B. Fast

WHEREAS the Town is a member of Red-Seine-Rat Wastewater Cooperative Ltd. (the “Cooperative”);

AND WHEREAS the Cooperative is in the process of developing a regional wastewater treatment facility (the “Project”);

THEREFORE BE IT RESOLVED that the Town is authorized to enter into the Red-Seine-Rat Wastewater Cooperative Definitive Agreement that formalizes the partnership for the Cooperative.

“Carried”

Res#169-24  
F2-16

C. Wiebe – B. Fast

BE IT RESOLVED that Council approves an update to Policy F2-16, Invoice Payment Policy, to include pre-authorized withdrawals for the Town credit cards, etc., copy of which is attached hereto as Schedule “A”.

“Carried”

Res#170-24  
Accounts

C. Wiebe – N. Dueck

BE IT RESOLVED that cheque nos. 44351 to 44454 totalling \$540,098.36 be hereby approved for payment.

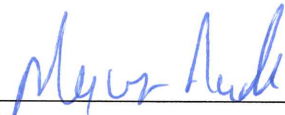
“Carried”

Res# 171-24  
Adjourn

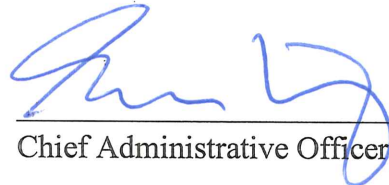
B. Fast – M. Beasant

BE IT RESOLVED that the meeting be adjourned. (8:47 p.m.)

“Carried”



\_\_\_\_\_  
Mayor



\_\_\_\_\_  
Chief Administrative Officer

Schedule "A"



TOWN OF NIVERVILLE-FINANCE

<b>POLICY NO. F2-16:</b>	<b><u>INVOICE PAYMENT POLICY</u></b>	
<b>EFFECTIVE DATE:</b>	<b><u>February 16, 2016</u></b>	<b>RESOLUTION# <u>52-16</u></b>
<b>REVISION DATE:</b>	<b><u>July 16, 2024</u></b>	<b>RESOLUTION# <u>169-24</u></b>

**Purpose:** To standardize the payment of invoices / cheque runs on a bi-weekly schedule.

**Processing**

**Dates:** Standard: Payments will be processed, and cheques printed on the Friday before the council meetings.

Non-Standard: The Town will only process payments between council meetings that are due before the next subsequent Council meeting.

**Cut-off Date:** Invoices must be received by the Thursday prior to the next council meeting by 4:00 pm to be processed. It should be noted that receipt on the deadline does not guarantee payment on the next council date. Invoice terms, errors in submission, high volumes may delay processing.

**Rules:** The Town will only run cheques that are due before the next subsequent Council meeting.

The Town will push for ALL contracts to have terms of 30 days after RECEIPT of invoice. The accounting clerk will notify providers of invoices that have been delayed in their receipt and provide them with the email address [accounts@wheretheybelong.ca](mailto:accounts@wheretheybelong.ca) should they wish to submit invoices to the Town electronically.

Should the Town not have a contract with a certain provider, the Town will accept the Terms on the invoice; however, if no Terms are noted on the invoice, the terms will revert to a standard of 30 days after receipt.

Should the terms on the invoice deviate from those within the contract between provider and the Town; the contractual terms are those that will be adhered to unless prior approval given by the CAO.

The Accounting Clerk at the Town will manage the Town's email account and will attempt to receive as many invoices as possible electronically in order to reduce the number of bills coming in by paper to improve the Town's footprint within the environment.

Due to processing changes at Niverville Credit Union, the following bill payments will be made through alternate payment options such as online payments / EFTs:

Payroll and GST remittances will be paid through the online banking website by the Manager of Finance, once reviewed and approved by the Council.

Collabria Mastercard payments can be made through either a one-time monthly payment by the Manager of Finance through MyCardInfo on the Niverville Credit Union Collabria's website or the Manager of Finance setting up through MyCardInfo on the Niverville Credit Union Collabria's website an automatic monthly payment that will automatically make the monthly payment.

To ensure that the RST remittance is received on time at the Province of Manitoba and reduce interest charges, the RST remittance will be paid through the Province of Manitoba's TAXcess website by the Manager of Finance once approved by Council.

Other payments as required and approved by Council.

**Approval  
Procedure:**

For cheque payments, a Cheque Payment Voucher will be submitted to a council meeting with the appropriate backup and a cheque for review and signing.

For an electronic payment, an Electronic Payment Voucher will be submitted to a council meeting with the appropriate backup, but no cheque will be issued. Council signs approval for both payment of invoice and payment by electronic means.

If an invoice needs to be paid prior to the next council meeting, a councillor can be contacted to come in and approve the invoice/voucher for E-payment prior to initiating the online payment. Or email the invoice & voucher to a council member for electronic approval, the approval email gets printed and attached to the voucher

Once the payment is complete, the electronic receipt gets attached to the voucher and is included with the next council package to confirm payment was made as approved.

Minutes of the combined Public Hearing held on July 16, 2024, at 7:01 p.m. regarding Conditional Use, C10-24 and V5-24, an application from Burt Hiebert on behalf of Greenwood Developments to allow for a residential Planned Unit Development with 4 dwelling units on Lot 26 Block 6 Plan 19956, civically known as 86 3<sup>rd</sup> Avenue S., along with the following Variances:

- To vary the rear yard setback from 25 feet to no less than 17.88 feet
- To vary the north side yard setback from 15 feet to no less than 9 feet
- To vary the front yard setback from 30 feet to no less than 22 feet
- To vary the driving aisle and approach from 24 feet to no less than 20 feet
- To vary the site width from 100 feet to 99.93 feet
- To vary the required number of handi-cap parking stalls from 1 to zero. The proposal was 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.

CAO Eric King noted this was an application from Burt Hiebert on behalf of Greenwood Development Corp to allow for a planned unit development with 4 dwelling units and a variance for the following:

- To vary the rear yard setback from 25 feet to no less than 17.88 feet
- To vary the north side yard setback from 15 feet to no less than 9 feet
- To vary the front yard setback from 30 feet to no less than 22 feet
- To vary the driving aisle and approach from 24 feet to no less than 20 feet
- To vary the site width from 100 feet to 99.93 feet
- To vary the required number of handi-cap parking stalls from 1 to zero

Background - the applicant proposes constructing two buildings with two dwelling units in each building on one lot. The variances for front, rear, and north side yard setbacks are to accommodate covered balconies, and the variances for the driving aisle and approach, site width, and handicap parking stall are to accommodate the Developer's proposal for his development. Mr. King noted that the recommendation from Admin is to approve the Conditional Use and Variances as proposed.

Mr. King read an email from Holly Ammerman of 231 3<sup>rd</sup> Avenue S., who opposed the variance for the accessible parking spot, noting this as irresponsible and discriminatory and that this barrier to the public was not an acceptable solution for the Developer.

The applicant, Mr. Burt Hiebert, responded by noting that there are already 2 parking spots for each unit, which should suffice.

Mr. King pointed out that the Town's Zoning Bylaw doesn't consider this type of concept and that accessible parking should apply to apartment buildings. While the two duplexes have private driveways and private garages, which are accessible spots for those living there if they need that option, the spots won't have signage for accessible parking.

Mr. Hiebert commented that there is 22 feet of space, which is two 11-foot spaces, which is the equivalent of two handicap parking spots.

Deputy Mayor Chris Wiebe asked whether these units would be rentals or purchased. Mr. Hiebert responded purchased.

Deputy Mayor Wiebe commented that this would be no different than any other side by side that is available in Town. Mr. Hiebert noted that it was a long deep lot which was the difference.

Mr. King added that the significant difference is that the road is private and the development is condo-ized.



Deputy Mayor Wiebe questioned whether from the fence to the property line or garage door would be paved in one piece and not individual driveways. Mr. King confirmed yes. Mr. Hiebert added that there was one access and 4 driveways off that access.

The public hearing was closed at 7:08 p.m.

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Minutes of the Public Hearing held on July 16, 2024, at 7:11 p.m. regarding Conditional Use C11-24, an application from AR Eissa – barBurrito Restaurants Inc. to allow for an eating and drinking establishment and a 12-seat patio in a Commercial Main Street Zone on Lot 15 Block 12 Plan 19955, civically known as Unit 2-31 Main Street. The proposal was 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.

CAO Eric King noted the application was from barBurrito Restaurants Inc., The Conditional Use is requested for the following: to allow for an eating and drinking establishment and a 12-seat patio in a Commercial Main Street zone. Background - barBurrito Restaurant is the proposed tenant for Unit 2 (middle unit) of 31 Main Street. The Conditional Use application is for a restaurant with 26 indoor seats and a 12-seat patio. The parking requirements have been met. The recommendation is to approve the proposal subject to the following conditions:

- 1) That all product deliveries are directed to the rear of the building;
- 2) That the applicant ensure that all signage is in compliance with the Town's Zoning Bylaw;
- 3) That the applicant provide a garbage receptacle in the vicinity of the tables;
- 4) That the tables and garbage receptacle are located on private property; and
- 5) That the patio is limited to a maximum seating capacity of 12.

There was no opposition to the proposal.

The public hearing was closed at 7:13 p.m.

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Minutes of the Public Hearing held on July 16, 2024, at 7:17 p.m. regarding Conditional Use C12-24, an application from Adam Szendrei to allow for a home-based automotive detailing business to operate on Lot 50, Plan 50833, civically known as 73 Claremont Drive. The proposal was 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.

CAO Eric King noted the Conditional Use is requested for the following: to allow a home-based automotive detailing business to operate in a Residential Single-Unit Zone at 73 Claremont Drive. Background - the Town's Zoning Bylaw requires home-based businesses that are drawing traffic to the home to be conducted by a person or persons residing in the dwelling, possess all municipal licenses and/or permits to operate, not have processing or outside storage of goods in any Residential zone, and not have more than 30% of the total floor area of buildings on the site devoted to the business. The applicant has not obtained a business license and must confirm that they comply with the other requirements should their application be approved. If the applicant wishes to have outside processing or storage for the business on the driveway, a Variance must be obtained before commencing with that option. Three letters have been submitted from nearby residents to 73 Claremont Drive opposing the business. They cite concerns with the on-street parking on the cove, the increase in traffic and noise, the safety of children and the negative effect on the children not wanting to play in the green space, and aesthetic issues from boats on

trailers being changed for another or left on the operator's driveway. Letters of support have been submitted on behalf of the business: 17 letters from Niverville residents, 2 letters from the public from unknown addresses, and 5 letters from the public who live outside of Town. There is "no parking" on the west side of Claremont Drive, the entire length, which includes the "eyebrow".

The applicant, Mr. Adam Szendrei, was present to answer questions as needed.

Mr. King read letters of opposition from the following residents:

Scott Johnston of 77 Claremont Drive,  
Rhett Schramm of 79 Claremont Drive,  
Lanny and Tanny Ramage of 81 Claremont Drive,

who cited concerns with the applicant and his family monopolizing the on-street parking on the cove, the increase in traffic, noise, and commotion, the safety of children, the negative effect on the children not wanting to play in the green space, and aesthetic issues from boats on trailers being changed for another or left on the operator's driveway.

Mr. King read letters of support from the following local residents:

David Futros of 11 Claremont Drive,  
Allison and David Hornung & Family of 13 Claremont Drive,  
Varinder Ghuman of 20 Claremont Drive,  
Jaelyn Heide of 225 5<sup>th</sup> Avenue S.,  
Mark Fazekas of 3 Cambridge Way,  
Ashley Singh of 23 Aberdeen Drive,  
Kris Friesen of 77 Cobblestone Court,  
Aiden Burns of 35 Sheffield Way,  
Jen Whitney of 85 Claremont Drive,  
Mellissa Gladue of 103 Prairie Crossings Court,  
Jhosselin Bakhat of 83 Cobblestone Court,  
Jennifer Ash of 45 Cobblestone Court,  
Brandy Brown of 22 – 71 Fourth Avenue S.,  
Trevor Karlowsky of 29 Bentley Place,  
Catie St. Germain of 46 Hampton Drive,  
Sandy Dauphinais of 102 Fourth Avenue S.,  
Mark Manikel of 201 4<sup>th</sup> Street S.,

who noted their support for this local small business and wanted it to be able to continue operating, as small businesses contribute to the growth of the community and economy.

Mr. King read letters of support from the following non-Niverville public:

Monique Lasko of 1945 Prefontaine Road,  
Janel Zolinski of 22117 Crown Valley Road,  
Patrick McMullan of Ste Agathe,  
Patty Black of Ile des Chenes,  
Kaitlyn Stein, a nearby resident of Niverville,

who noted their support for the business, that it is not hurting anyone, its positive impact on the community, and that it contributes to the growth of the community and economy.

Mr. King read letters of support from the following members of the public (no individual address provided):

Carly Mahoney (resident of Niverville),  
Tristan Friesen,

who noted their support for this local small business as it provides a valuable service to the community and contributes to the vibrancy and diversity of the local economy. In addition, it was noted that while there are challenges with operating the business out of a home, that an

alternate solution such as limiting vehicles on the property may allow them to continue to operate.

The public hearing was closed at 7:45 p.m.

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Minutes of the Public Hearing held on July 16, 2024, at 8:09 p.m. regarding Conditional Use C13-24, an application for renewal from 3524958 Manitoba Ltd. to allow the following:

- Advertising signage on Lots 6, 7 and 8, Block 3, Plan 19956, civically known as 180 Main Street consisting of the following:
  - 4 sandwich boards 11 sq. ft. each (total 44 sq. ft.);
  - 7 advertising signs 15 sq. ft. each (total 105 sq. ft.) for placement on the building at 180 Main Street;
  - Other signage
    - Artic Ice Freezer 12 sq. ft.;
    - Firewood Box 1 sq. ft.;
    - Coop Propane Tank 36 sq. ft.;
    - 2 soft drink vending machines 21 sq. ft. each (total 42 sq. ft.);
    - 8 feather flags (seasonal) 20 sq. ft. each (total 160 sq. ft.);
- Advertising signage on Lot 1 Block 4 Plan 19956, civically known as 10 Fourth Avenue S. consisting of the following:
  - 5 advertising signs x 16 sq. ft. on fence facing Main Street (total 80 sq. ft.);
  - 13 advertising signs x 11 sq. ft. on fence facing Main Street (total 143 sq. ft.); and
  - One 2-sided portable rental sign total 90 sq. ft.

The proposal was 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.

CAO Eric King noted the Conditional Use is requested for a renewal of authorization to allow advertising signage at 180 Main Street, which consists of the following:

- 4 sandwich boards 11 sq. ft. each;
- 7 advertising signs 15 sq. ft. each for placement on the building at 180 Main Street;
- Other signage
  - Artic Ice Freezer;
  - Firewood Box;
  - Co-op Propane Tank;
  - 2 soft drink vending machines; and
  - 8 feather flags (seasonal).

Additionally, this is for the renewal of authorization to allow advertising signage at 10 Fourth Avenue S. consisting of:

- 5 advertising signs x 16 sq. ft. on fence facing Main Street (total 80 sq. ft.);
- 13 advertising signs x 11 sq. ft. on fence facing Main Street (total 143 sq. ft.); and
- One 2-sided portable rental sign for a total 90 sq. ft.

The recommendation from Admin is to approve the Conditional Use for another 2 years, to continue with this process until the Zoning Bylaw and signage challenges are worked through in the Zoning Bylaw itself.

The applicant, Mr. Pete Friesen, noted that this was their 34<sup>th</sup> year in business, that it has been 5 years since the signs were done, and that they felt that the renewal process is getting ridiculous and wanted to know why they aren't grandfathered in already.

Mayor Myron Dyck mentioned that when the Zoning Bylaw is done, it could be that “end date” (providing permanent approval).

Mr. King mentioned that the Zoning Bylaw should be done in 2025 and whatever standards Council wants to proceed with.

Mayor Dyck added that when the Zoning Bylaw renewal would be done that the “end date” could be part of that, with the goal being 2 years or less. Mr. Friesen commented that they were told that 2 years ago.

Mayor Dyck explained that there is a challenge to putting unique situations into a policy that is for all and that we could look at being deliberate in defining signage based on what a business does, working through precedent and not looking at an individual owner or what they have done. He also cited an example of someone setting up a business on bare land and adopting the same type of signage as the applicant because they see it as the example, and other factors such as business and safety that also need to be taken into consideration. Mayor Dyck added that Council has gone to the (Niverville) Chamber to consider signage and how it should be managed, and the Chamber came back with as many questions as they had answers, and that Council needs more time.

Mr. Friesen commented that he felt the portable sign was holding everything up. Mayor Dyck confirmed that that was one of the things, as the consideration is to how many should be allowed and what would be considered as clutter.

Mr. Friesen cited the fact that they are in their 34<sup>th</sup> year in business, and have a reputation, including not dealing in clutter.

Mr. King commented that this is not just the applicant’s business in question but rather the matter of approving signage permanently for that property.

Councillor Nathan Dueck suggested that if the mobile sign is the concern, the approval be split and the applicant be given permanent approval for everything except that, as that would solve the problem. That sign has been up for 7 years already, and he has no concerns with this. He also suggested giving the applicant a temporary permit for the mobile sign. Mr. King confirmed that Council could choose to do this.

Mayor Dyck noted that their signage is unique, such as signage on fencing and flags, and that others can ask for these as well. He stated that while he was not opposed to grandfathering the signage, it's not as simple as that because they are a unique entity. He then called for Council’s comments and direction on the matter.

Councillor Dueck asked for the list to be gone through again.

Mr. King advised that the uniqueness is that there are 2 different sites - one on each side of the street, which is different than usual. At 166/180 Main Street (note civic addresses are consolidated to 180 Main Street), there are 4 sandwich boards, 7 advertising signs, the artic ice freezer, firewood box, propane tank, 2 soft drink vending machines and 8 feather flags which also was a concept of where that was going in the future. At 10 4th Street S. there are 5 advertising signs that are 16 sq. ft. each, 13 advertising signs that are 11 sq. ft. each, and the magnet sign.

Councillor Dueck posed the question about perspective in general, and the question about how businesses such as Tim Hortons, Dairy Queen and Shell would only come in if they needed this many signs.

Deputy Mayor Wiebe asked, for argument's sake, whether the Council would approve signs along a fence if Niverville Autobody were to buy the JWH Property (21 Main Street).

Councillor Dueck said no, and Deputy Mayor Wiebe commented that this is what they are asking for. Councillor Dueck added that this was the reason we were moving the Fourth Avenue lot out of this conversation and suggested looking at 180 Main Street by itself, as Coop is a large company that has its general standards for each one, and items such as the freezer would be standard items.

Mayor Dyck stated that looking at a lot that has certain frontage, signs don't look as busy as if you had a lot that has lesser frontage, and they (smaller lot owner) could come to Council and say that you let them do these flags and I want 8 flags, and you have 100 ft of frontage and they have 50 ft. He added that the discussion should be done now rather than having another future business owner come who is not a fit and finish person, and it just becomes clutter.

Mr. Friesen also commented that they had been asked to list at all points what would be the maximum number of signs that they may want (original application) and Mrs. Friesen mentioned that they haven't put up all that were approved. He added that the signs on the fence aren't as important as the magnet sign which drives a lot of the business, which is changed regularly and becomes an eye on the specials they are running.

Mayor Dyck stated that both he and the applicant know that there are businesses that have a curb appeal to Main Street that shows care and due diligence and fit and finish, and there are those that are lesser than, and unfortunately, when we have bylaws and rules, that it is the 1% that you have to think about not the 99% and it sucks, but we want to give you a deadline. He added that he will commit and give them a deadline, as we have already started the process.

Deputy Mayor Wiebe asked Mayor Dyck for clarification on whether, once this was noted in the Zoning Bylaw, the applicant wouldn't have to come back. Mayor Dyck said he didn't know.

Mr. King advised that his thing was that they would come back and that he was not necessarily opposed to the signage for 180 Main Street, with the exception of the 8 feather flags, as that is one item that has been brought up by other people in the past. He recommended approving everything as permanent except the flags.

Deputy Mayor Wiebe asked about the magnet sign and what happens if we don't allow these and they will be grandfathered in.

Mr. King clarified that that was for 180 Main Street, and added that for 10 Fourth Avenue S. we could approve the advertising signage as permanent and leave the magnet sign as a 2-year (approval) pending what happens with the Zoning Bylaw. When the Zoning Bylaw review has happened and signage rules change you can make it permanent.

Deputy Mayor Wiebe stated everything on their original yard and Mr. King added the only things not specific to the applicant would be the feather flags and the magnet signs, which were things that have come up and determining what the standard would be in a future bylaw.

Councillor Dueck questioned whether it could be made permanent until policy would trump this. Mr. King responded no. Staff member Audrey Neufeld added that this (original recommendation) would allow the applicant to continue to use the signage and one more approval would be needed based on what the rules would be at the time, so maybe they wouldn't even have to ask for approval for some things because they would be in the new Zoning Bylaw and maybe they would have to ask for some things that are not in the Zoning Bylaw.

Councillor Dueck expressed that he felt for the applicant having to come back multiple times. Mr. Friesen stated that he understood with other businesses coming to Town and reiterated that there should be some considering for grandfathering signs for a business that has been here so long (34 years).

Mayor Dyck stated that if he understood the applicant, that there could be changes going forward but those wouldn't impact those who are already here.

Mr. Friesen questioned whether from their point of view, what they are seeing is that there are possible changes coming in the future and see magnet signs being targeted and possibly the flags being targeted, which are 2 items that drive their business, as businesses need to be noticeable.

Mayor Dyck confirmed his understanding that they deal with impulse sales.

Mr. Friesen stated that he didn't like the way Council dealt with the back lane issue and felt this was being dealt with the same way by kicking it down the road and reiterated that he didn't like this.

Deputy Mayor Wiebe questioned Council denying Check Engine (Terraflex property) putting feather flags on public property, but allowing them to have them on private property. Mr. King couldn't confirm. Deputy Mayor Wiebe questioned whether there was a precedent on this already and Mr. King noted that they had a timeline on this.

Mayor Dyck questioned whether the approval today would still allow them to continue without closure at this time until such time that the Zoning Bylaw would give closure. Mr. King confirmed yes.

There was no opposition to the proposal.

The public hearing was closed at 8:28 p.m.

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