

COUNCIL

NOVEMBER 25, 2003

#03-14

The Parrsboro Town Council met in regular session on Tuesday, November 25th, 2003 at 7:00 p.m. in the Council Chambers with Mayor Doug Robinson presiding.

PRESENT: Deputy Mayor Gleneida Canning
Councillor Lloyd Smith
Councillor Lois Smith
Councillor Lyle Yorke
A.D. Brown, Town Clerk
Kevin Yorke, Secretary

1. WELCOME AND CALL TO ORDER

Mayor Robinson welcomed all those in attendance noting that it is not often that he has the opportunity to welcome so many people and that he would welcome their participation as the agenda allows.

2. APPROVAL OF AGENDA

Moved by Councillor Lloyd Smith, seconded by Councillor Lois Smith that the agenda be approved as circulated. Motion carried.

3. PUBLIC HEARING RE: PROPOSED DEVELOPMENT AGREEMENT - TIM HORTONS (PID25214552)

(3.1) Planner's Report - Jason MacDonald advised that the TDL Group has applied for a development agreement to permit a restaurant on property located at the intersection of Eastern Avenue and Chapel Street. Currently Parrsboro's Land Use Bylaw permits the development of a 1000 sq. ft. commercial establishment on that property. The policy states that anything larger than 1000 sq. ft. would require a development agreement between the developer and the Council stating what can happen on the property under which conditions and these regulations remain with the property if it is ever sold. Council must consider four things in the development agreement: (1) that it will not overload the capacity of the municipal services in the area. The Town staff have indicated that the existing water, sewer and street network in the area can accommodate the development; (2) the Council has the opportunity to regulate the hours of operation for any use on that property. The Planner noted that the development is on an arterial street which is a major

connector and it is not the type of use such as a bar where people walk and loiter, therefore, there is no major reason to limit the hours of operation; (3) the policy states that if the development is adjacent to a heritage property the building should conform to that heritage property. In this case there are no heritage properties adjacent to the building; and (4) the policy states that under no circumstances lounges, beverage rooms, video arcades, pool halls or similar businesses be permitted. Mr. MacDonald indicated that this development satisfies all policies that apply in the Town's bylaw written in 1992 and pointed out that Council is not permitted to consider anything other than those policies. He advised that a Development Agreement has been drafted with which he is comfortable and which he would recommend to Council to approve. He explained that the Council had given the first reading of the development agreement a few weeks prior and tonight the public have an opportunity to have input, then Council will make a decision one way or the other. Mr. MacDonald recommended to include in the agreement that no right hand turn onto Chapel Street be permitted and in order to allow Council some flexibility to change this requirement in the future if deemed appropriate, he would also recommend that this issue (item 8. under the Terms and Conditions in Schedule A.) be designated non-substantive. The Planner noted that the site plan for the development is appended to the agreement as Appendix B and that TDL has submitted a very detailed landscaping plan which he would recommend be appended as Appendix C. He noted that he had requested a solid board fence and an evergreen buffer on the property line, however, there are existing evergreen trees and representatives from TDL have indicated that perhaps the landowner would rather not have the fence because it may interfere with the existing trees, therefore, if the landowner is present maybe they could comment on that when it is time for the public to speak. Mr. MacDonald advised that the terms and conditions include that grass be maintained in all areas of the property not utilized for parking; that the parking lot be dust free material; lighting of the property be directed in such a manner that adjacent properties are not impacted; no outdoor storage be permitted on the property, other than in the one enclosed storage bin; the evergreen buffer as per the site plan; and no right hand turn onto Chapel Street be permitted from the property.

Mr. MacDonald also commented on the article in the Citizen in which one of the main issues was competition between this restaurant and existing restaurants. He advised that the Municipal Government Act does not give a Town Council any authority to regulate development with regard to competition. Council's decision should be based on the impact on adjacent properties and whether or not the development satisfies the Town's policies. If the Council were to base their decision on the competition question the Nova Scotia Utility and Review Board would have something to say about it. Mr. MacDonald also recommended that Council not place too much weight on the littering issue either when making their decision.

At this point the Planner indicated that it would be appropriate to open the floor for questions or concerns from Council prior to the opportunity for public input.

Councillor Lois Smith asked if the TDL Group had voiced any concerns to the Planner about there being no right hand turn onto Chapel Street.

Mr. MacDonald advised that TDL did not make a big issue out of this particular condition. Mr. John MacEachern, a representative from TDL who was present in the chambers confirmed this.

At this point the Mayor opened the floor for comments from the general public.

On behalf of the youth of Parrsboro, Jake Yorke read a letter of support for the development of the Tim Hortons restaurant signed by 151 of the Town's youth. Following is the text of that letter:

"We the youth of Parrsboro feel that a Tim Horton's would be a great addition to Parrsboro. Not only would the restaurant add a recognized and respected food chain to Parrsboro, but it would also supply area youth with further employment opportunities.

The recent article which appeared in The Citizen (Vol.31, No.4) has sparked many talks among local youth about the validity of the arguments and concerns regarding the development of a Tim Horton's. The point was made that a Tim Horton's would tarnish the old-fashioned atmosphere of down town Parrsboro. However, if Tim Horton's was to be built in its proposed location it would not remove any more of the old-fashioned atmosphere of Parrsboro than the Irving Garage or the newly redesigned Co-op, which will be near the Tim Horton's. Also, Tim Horton's will be another franchise, much like the Greco franchise, that will add further employment opportunities for local youth. The development of the Tim Horton's in Parrsboro will add 15 job opportunities to the residents of Parrsboro.

Furthermore, the addition of a Tim Horton's to Parrsboro will greatly help in the development of Parrsboro. Tim Horton's is a huge supporter of youth nation wide through its Tim Horton's Children's Camps and the Tim Horton Children's Foundation. The Tim Horton's Children's Foundation is a non-profit organization which provides thousands of children nation wide the chance to attend a Tim Horton's Children's Camp. All of the children who are sent to these camps are from an area in which a Tim Horton's store operates. Last year, Tim Horton's raised 5.5 million dollars for the foundation, which helped over 9000 children attend camps.

Tim Horton's also works closely with area schools and youth groups in order to provide community support and further their involvement in the community. They work with these groups to help select children who will participate in their Children's camps. Tim Horton's also provides area youth opportunity for academic scholarships to attend college and university.

Tim Horton's is also a very involved community sponsor. Tim Horton's is a leading sponsor of countless sporting events and community activities throughout areas in which they operate. Tim Horton's is a well known sponsor of entry level minor hockey and also are large supporters of soccer.

Tim Horton's supports the community through its Tim Horton Children's Foundation and sponsorship of many sporting events and will also add 15 employment opportunities for residents in Parrsboro. We feel that Tim Horton's would quickly become a valuable member of the community and can only do good for the Town of Parrsboro.

After reading the foregoing, Mr. Yorke advised that Tim Horton's had been contacted for the information reported in the letter and, therefore, it was based on fact.

Bruce McCulloch advised that his main concern is that the architecture of the building should be in keeping with the residential area. He suggested that the community is at a cross roads in terms of style and could go either in the direction of a commercial strip or some of the character could be retained. He noted that this has been accomplished in Mahone Bay and Lunenburg where Tim Hortons has conformed to an architectural style in keeping with the historic character of the communities. Mr. McCulloch also noted a concern that the drive-thru would discourage tourist foot traffic in the town by giving them an opportunity to remain in their cars and drive on to another destination. Therefore, he asked that the drive-thru be eliminated.

Diane Campbell noted that her main concern is traffic due to the location of Tim Hortons. She expressed the opinion that increased traffic at the intersection of Chapel St. and Eastern Ave., which already poses a problem for larger vehicles, will result in the intersection becoming more congested and hazardous, and that these conditions would be compounded during the tourist and festival season. She also predicted increased traffic on Spring and Chapel Streets as people wanting to avoid traffic tie ups in front of Tim Hortons would use these side streets to access Eastern Avenue. She also expressed a concern about the noise to local residents from the drive-thru operation and the impact of litter on the community. Ms. Campbell asked whether other locations had been investigated, whether the traffic issue had been examined and whether neighbours to the development were consulted.

Rick Brodie noted his agreement with Ms. Campbell and expressed the opinion that the traffic will be horrendous.

Joan Jones, a business owner and resident of Main Street, advised that litter on the street has been a concern of hers for many years and the problem is especially evident in front of her building and the old post office on a daily basis. She expressed the opinion that local merchants should be more concerned with cleaning up their own litter.

John Dunbar noted being in favour of new business, however, as a resident living near the proposed development he has a concern about traffic, especially the impact that logging trucks will have when parked near the restaurant. He also expressed the opinion that the Town should do a detailed study on the traffic issue.

At this point Mr. John MacEachern of the TDL Group introduced himself and Mr. Bud Anderson who is the franchisee of the restaurant proposed for Parrsboro as well as the franchisee of outlets in Springhill and Oxford. Mr. MacEachern advised that if the project is approved the Tim Hortons restaurant would be opening in late May. He briefly reviewed the project and addressed some of the concerns expressed. He advised that the Tim Hortons proposed for Parrsboro is similar to that in Oxford which is 1,400 sq. ft. or 400 sq. ft. over that which is allowable now. He noted that TDL worked with the Planner on the site plan and is agreeable to the terms and conditions that are being recommended to Council. With a few exceptions, existing trees and

scrubs will remain, there will be 23 parking spaces, and open access to the Irving lot to lessen the impact on traffic around Main Street. Mr. MacEachern advised that there are architectural plans completed for which there were no guidelines for an architectural style. Addressing the traffic issue, Mr. MacEachern pointed out that the main access to the site will be from Eastern Avenue and that although there will be access at the rear which is there now, it will be limited to a left turn only onto Chapel Street. He also advised that this will be a satellite outlet and while similar in style and size to that in Oxford it is expected to have less business. Hours of operation are normally 24 hours a day, however, those hours will be reduced if the business does not warrant the longer hours. The new outlet would employ about 15 people hired from the local area. Mr. Anderson confirmed his commitment to hiring locally including both management and staff. With regard to the noise from the drive-thru, Mr. MacEachern advised that there are things that can be done to lessen the impact such as insulated buffers around the speakers and turning the speakers away from neighbouring houses, as well if the landscape buffer along Chapel Street is not sufficient to block vehicle lights then a solid fence could be erected. Mr. MacEachern advised that parking for large trucks is not provided or encouraged at the proposed location. Usually truck traffic is only encouraged at outlets located on a major highway. With regard to the litter concern, Mr. Anderson noted that Tim Hortons has implemented a litter abatement program sponsoring community groups that go out and pick up litter where it is most prevalent, and this program has been implemented successfully in both Springhill and Oxford.

Norman Rafuse advised that his house is directly across the street from the proposed Tim Hortons and he noted a concern about whether or not there would be any recourse if noise and lights become a problem after the development has taken place.

Mr. MacEachern advised that if it is found that the landscaped buffer is not adequate to block the lights then a fence can be erected, and he expressed the opinion that it may be appropriate to do that anyway so that it will not become an issue in the future. Regarding the noise issue, Mr. MacEachern noted that there are various ways to reduce the noise emitted at the drive-thru and that these measures were put in place in Mahone Bay when concerns were expressed by neighbouring residents with no further complaints after they were implemented.

Rick Brodie noted the understanding that the construction project has already been tendered without the development agreement being passed which may affect the type of building that would be acceptable. He wondered if TDL would reconsider more favourable architecture complimentary to the neighbourhood.

Mr. MacEachern reiterated that the building proposed for the Parrsboro Tim Hortons is similar in size and architecture to that in Oxford and that while he is not aware of any heritage bylaws, TDL would be willing to look at the matter if there are any such guidelines in place.

Mr. McCulloch noted the understanding that there is no bylaw per say, however, he is hopeful that something could be done to make the building conform with the more traditional architecture

without having to drastically change the overall plans.

Anne Kernohan asked about signage.

Mr. MacEachern advised that the signage will conform with town bylaws, however, this is also something they would be willing to work with the Town on.

Mayor Robinson advised that he would like to address a couple of points that were made. Regarding the concerns about heavy traffic on Chapel Street, the Mayor noted that the design of the proposed development dictates that the majority of the traffic from the drive-thru, which will be the heavy, continuous traffic, will end up on Eastern Avenue and that the traffic going onto Chapel Street will be residual traffic from the parking lot. Councillor Lloyd Smith added that the traffic from the parking lot will come back onto Eastern Avenue because there is no right turn allowed that would take them down Church/Spring Streets. With regard to the comment that the design of the building has not been approved, the Mayor indicated that the Town does not have that much control over that aspect of the development. He reminded those present that Tim Hortons has the right to build a building at the proposed location, perhaps not as large, but they do have the right to build it and that the purpose of the development agreement is to set rules and guidelines for what is around that building.

Joan Jones asked if there were any municipal signage bylaws or heritage bylaws.

Mayor Robinson advised that there are no such bylaws in the Town of Parrsboro.

Natalie McCully advised that she operates a business and lives in a residential area and that she is very supportive of Tim Hortons locating in Parrsboro.

Cst. Guy Bergeron noted that the hours of operation are a concern to the RCMP and he asked that the hours be passed on to them.

Mr. MacEachern restated that the hours of operation are 24 hours unless business dictates an adjustment to reflect a reduction in business. He also noted that Tim Hortons restaurants are open everyday of the year except for Christmas Day.

Bill Wheaton indicated that he is a life long resident of Parrsboro and was involved in a downtown family owned restaurant business for 40 years. He noted the difficulty his business had to attract people downtown and expressed the opinion that a national franchise restaurant like Tim Hortons at the proposed location is going to bring in a lot of traffic that will find its way downtown to the benefit of all businesses and that he is all for it.

At this point Mayor Robinson thanked everyone for their participation noting that the matter of the Tim Hortons development agreement would be addressed later in the Council meeting. He

noted for the record that in the last few days he had received correspondence from individuals in the general area very much in support of Tim Hortons and that a point that was made to him today is that there are a few people who actually leave here and drive to Springhill to go to Tim Hortons and would it not be better to keep these people in town.

Mr. Anderson noted that if the proposal is approved, he would be glad to hear from anyone with concerns and that they can contact him at the Springhill outlet.

4. UNITED WAY - PRESENTATION BY DEREK MUMFORD

Mayor Robinson introduced Derek and Ethel Mumford noting that they were good enough to accept the offer of chairing the United Way campaign in Parrsboro.

Mr. Mumford advised that he and his wife have taken on this challenge for several reasons not the least of which is that this community has received a lot of support over the years from the United Way without a campaign in the area. He listed some of the organizations supported by the United Way including the Amherst Pre-School Association, CNIB, Canadian Paraplegic Society, Canadian Red Cross, Cumberland County Family Planning, Cumberland County Transition House, Cumberland Early Intervention, Maggie's Place, St. John's Ambulance, and the VON. He noted that the campaign does not involve door-to-door solicitation, therefore, anyone interested in making a donation is encouraged to come to them. He also indicated that some of the local businesses and the schools are being asked to look at a payroll deduction program similar to that in other communities. Mr. Mumford advised that he would leave brochures at the Town Hall with all the pertinent information and in conclusion encouraged not only monetary participation but also any form of input from the community.

5. RCMP REPORT

Cst. Guy Bergeron reported the following activity since the last report: 33 complaints and of these there were 8 Criminal Code complaints and one false alarm.

Cst. Bergeron also reported RCMP involvement in the Remembrance Day ceremonies, members in training and that the Spookarama program was a huge success again this year with over 250 participating. There was one minor incident of property damage during Halloween, however, it is not believed that it involved youth from the school. Cst. Bergeron noted that the RCMP are gearing up for the Holiday Season and that he is in the midst of organizing a community consultation group in partnership with the RCMP. The purpose of this group is to give the community a voice as to what they would like the RCMP to be doing and in turn the RCMP can advise what they are able to do. The group would consist of a broad cross section of the community including seniors, youth, business people and the Town. Cst. Bergeron encouraged anyone interested to contact the RCMP.

6. BYLAW ENFORCEMENT OFFICER'S REPORT

Bylaw Officer not present. No report.

7. FIRE CHIEF'S REPORT

Fire Chief Jim Atkinson presented the following report for November 2003:

EMERGENCY CALLS

No calls as of November 24

TRAINING

STARS Helicopter landing course. This course was very well attended and we had 13 firefighters trained. We also had several other fire departments in attendance. Around 30 firefighters in total were trained.

SCBA maze with smoke machine (self contained breathing apparatus)

PPV Theory (positive pressure ventilation)

UPCOMING TRAINING

Monthly equipment check

Medical First Responder recertification

Other training to be decided at November monthly meeting

MEETINGS ATTENDED

Cumberland County Firefighter Association

Jim Atkinson, Chief, Peter Greenham, Training Officer

Cumberland County Housing Authority, Fire drills phase 4 & 5

Jim Atkinson

SPECIAL EVENT

December 13 Christmas supper and banquet for firemen and invited guests. Catered by Southampton Fire Dept. Ladies. Happy hour 5:30 to 6:30. Dinner 6:30 to 7:30 awards and presentations 7:30 to 8:00. Dance 9:00 to 1:00.

Councillor Lois Smith asked if the Fire Department was still looking for new recruits.

Chief Atkinson reported that there are a couple of openings available for new firefighters for which there are three applications on file. He noted that these applications are reviewed at the monthly meeting, the applicants are interviewed and the membership votes on who they feel are appropriate to fill the vacancies. The Chief advised that application forms are available from any member of the department and that he would also leave some application forms at the Town Hall for those interested.

8. APPROVAL OF CHEQUE SHEET

Councillor Lloyd Smith noted a typing error where it states that cheque #74553 is in the name of Lois Smith. He advised that cheque #74553 was actually in the name of Lloyd Smith.

Moved by Councillor Lloyd Smith, seconded by Councillor Lyle Yorke that the General Cheque Sheet in the amount of \$88,444.48 be approved as amended. Motion carried.

9. APPROVAL OF MINUTES

Mayor Robinson asked if there were any errors or omissions noted in the Minutes of October 28, 2003 - #03-13. Hearing none he declared the minutes approved as circulated.

10. 2ND READING OF DEVELOPMENT AGREEMENT - TIM HORTONS

Moved by Councillor Lyle Yorke, seconded by Deputy Mayor Gleneida Canning that the 2nd Reading of Development Agreement - Tim Hortons (PID 25214552) be approved.

On the question,

Jason MacDonald recommended that the motion to approve the 2nd reading include the following amendments:

Add as #7. to the Development Agreement - "The following matters are considered not-substantive as per Section 227 (3) (a) of the Municipal Government Act.

- no right hand turn onto Chapel Street.

- landscaping and buffering of the site.

and that #6 of Schedule A read: "landscaping and buffering be maintained on the property as per the submitted landscaping plan, drawing #SP1.

After a discussion there was a motion by Councillor Lois Smith, seconded by Councillor Lloyd Smith that the above amendments be approved. Motion carried.

Mayor Robinson called the main motion with the amendment attached to a vote. Motion carried.

At this point Mayor Robinson read the following statement:

When I was running for Mayor, one statement I made at that time was that a Council does not bring new business into the community, at least not in the literal sense. In fact, those involved directly in Economic Development will state the three most important issues in Economic Development is Location - Location - Location. That is not meant to be humourous, it is a fact.

Yet there are many factors in which the Council must be involved that has an influence on development and one of the main components in establishing an atmosphere or environment in which business is welcomed. This Council has worked hard at encouraging Economic Development. It is a rough road and many times it is difficult to identify the specifics of development and the fact everyone has a different point of view as to how it is done, doesn't help either. In denying a particular development in regard to one area of interest does one negatively affect another area of interest? Any decision must also consider the potential of delivering the message to other outside interests of a "You are not welcome" attitude in Parrsboro.

Cumberland, as a whole, along with many other areas of the Province, has spent a lot of time, energy and money to develop progressive communities. Parrsboro is one of the first to support a Regional RDA, CREDA, we developed a web site that is recognized by others as excellent, the Economic Development Committee developed and produced a Town Brochure that has also been well received, and developed a Town Profile package which is used to promote the Town to potential businesses and those interested in purchasing property and moving to Parrsboro. Parrsboro very early on became involved in Broadband High Speed internet and has contributed financially to many projects affecting both Parrsboro and the surrounding area to make Parrsboro a "Destination Area". We must present a positive approach to continuing development that encourages people to look at Parrsboro as a progressive community and a community one would want to move to and bring up a family. No community can stand still, activity begets activity which leads to growth and a better future for the town.

The circumstances surrounding the TDL Group Development Agreement is not whether they have permission to build here because they have that "by right", through our Land Use Bylaws. The issue of denying this development is not there. The example of taxi licensing has been mentioned but the Council has been requested, at one point or another, to increase the number of licenses on one hand, and to decrease the number by others. That being said the issue is not a Land Use issue to begin with, it is an issue under the Motor Vehicle Act and therefore the comparison is not valid. It is also not an issue of building design, because if the Bylaws required a specific design criteria, TDL would most likely meet that requirement as they have

done in other areas. It is not an issue of litter because the Company doesn't litter, uncaring individuals litter, which has been demonstrated even on our own Main Street long before TDL decided to come to Parrsboro.

It is realized this particular development will create certain challenges to specific interests but any development creates challenges to other specific interests. How we meet those challenges will be the answer to a secure future.

11. COMMITTEE REPORTS

(11.1) Public Works - Report given by Councillor Lloyd Smith:

PUBLIC WORKS COMMITTEE REPORT

NOVEMBER 2003

(a) Superintendent's Report - John Henwood reported the following activity over the past month:

- gravel roads have been graded**
- the paving contractor has repaired the cross-cuts on the streets that resulted from water line repairs and culvert replacement**
- seasonal water service has been disconnected at the beaches**
- the Christmas lights have been refurbished and reinstalled on the utility poles**
- the sloping sidewalk in front of the Co-op has been removed and replaced with standard concrete blocks**
- snow removal vehicles and equipment have been reconditioned in preparation for the coming winter season. Also in service will be the recently purchased new sidewalk machine and front end loader**
- the leaf raking crew have been busy cleaning ditches and town owned properties**
- work continues scrapping and painting the exterior of the Library**
- the parking lot behind the post office has been gravelled and graded**

- the former landfill was open last weekend for fall leaf disposal

Moved by Councillor Lloyd Smith, seconded by Deputy Mayor Gleneida Canning that the Public Works report be accepted. Motion carried.

(11.2) Planning, Development and Housing - Report given by Councillor Lyle Yorke:

PLANNING, DEVELOPMENT AND HOUSING COMMITTEE REPORT

NOVEMBER 2003

(a) Building Inspector's Report - The following report was submitted by the Building Inspector the month of October 2003:

	<u>No. of Permits</u>	<u>Value</u>
New Construction & Additions (Commercial)	1	\$1,600,000
Demolition (Residential)	2	\$0.00
Total	3	\$1,600,000

Activity during this period:

- 7 building inspections performed
- 2 building plans reviewed
- 1 dangerous and/or unsightly premises inspection
- 3 final plans of subdivision approved
- 1 - 911 civic address number issued
- responded to one unsafe condition complaint
- attended a Building Inspector's zone meeting in Pictou on October 10th

- joined the Fire Inspector's Association of Nova Scotia and have entered into their certification program.

Moved by Councillor Lyle Yorke, seconded by Councillor Lois Smith that the Planning, Development and Housing Committee report be accepted. Motion carried.

12. CORRESPONDENCE

(12.1) Theresa Cosgrain Award - The Clerk advised that an information package had been received for the 2004 Theresa Cosgrain Award which would be on file for those interested.

13. ADJOURNMENT

Upon a motion by Councillor Lloyd Smith the meeting adjourned at 8:15 p.m.