

TOWN OF HAMPTON COUNCIL MEETING

March 9, 2021

A closed session of Council was held immediately preceding the regular Council meeting, commencing at 6:00 pm. A regular meeting of Council was held at the Town Hall, 648 Main Street on March 9, 2021 commencing at 7:00 p.m.

ATTENDANCE:

Mayor Ken Chorley	Deputy Mayor Rob Doucet
Councillor Todd Beach	Councillor Dwight Bond
Richard Malone, Town CAO	Megan O'Brien Harrison, Town Clerk/Communications Officer
Sherman St. Germain, Treasurer	Arthur McCarthy, Building and Development Officer
Katie Cameron, Accounting Assistant	Marilyn Duplacey, Admin. Assistant to Planning/CAO

DELEGATIONS:

Jennifer Brown, Dillion Consulting, Zoning By-law Presentation
 Peter Logan, Teed Saunders Doyle & Co Chartered Accountants
 Constable Daley, RCMP

MEDIA: Justin Samanski-Langille, Kings County Record

GUESTS:

Laura Myers	Lucy Richardson	Chris Rendell	Liam Roche
Jordan Smith	Victoria Pitre	Jackie Parks	Ava Webster

1. CLOSED SESSION

In accordance with Section 68(1) of the *Local Governance Act*, Mayor Chorley called the closed session to order at 6:00 p.m. and adjourned the closed session at 7:00 p.m. It was noted that Sherman St. Germain, Town Treasurer and Mike Raeburn, Director of Public Works and Utilities attended the Closed Session. During that time, a number of issues were discussed and the confidential information from such discussions was classified as follows:

Subsection of 68 (1)	Category	# of Items
a)	Information of which that confidentiality is protected by law	1
b)	Personal information as defined by the <i>Right to Information and Protection of Privacy Act</i>	
c)	Information that could cause financial loss or gain to a person or the local government or could jeopardize negotiations leading to an agreement or contract	3
d)	The proposed or pending acquisition or disposition of land	
e)	Information that could violate the confidentiality of information obtained from the Government of Canada or from the government of a province or territory	
f)	Information concerning legal opinions or advice provided to the local Government by its solicitor or privileged communications between solicitor and client in a matter of local government business	
g)	Litigation or potential litigation affecting the local government or any corporation referred to in subsection 8(1), the local government's agencies, boards or commissions including a matter before an administrative tribunal	
h)	Access to or security of buildings and other structures occupied or used by the local government or access to or security of systems of the local government or access to or security of systems of the local government, including computer or communications systems	
i)	Information gathered by police, including the Royal Canadian Mounted Police, in the course of investigating any illegal activity or suspected illegal activity, or the source of that information	
j)	Labour and employment matters, including the negotiation of collective agreements	1

2. OPEN REGULAR SESSION

Mayor Chorley called the meeting to order at 7:00 pm.

3. SILENT MOMENT OF REFLECTION

Mayor Chorley requested that everyone rise for a moment of silent reflection.

4. APPROVAL OF AGENDA

Moved by Councillor Bond and seconded by Deputy Mayor Doucet that the agenda of the March 9, 2021 Council meeting be approved as presented.

MOTION CARRIED

5. DISCLOSURE OF CONFLICT OF INTEREST

Mayor Chorley asked that anyone who has a conflict of interest declare it when they reach that item on the agenda.

6. DELEGATIONS AND PUBLIC HEARING

6.1 RCMP – February Report

Constable Daley reviewed the February RCMP incident report with Council. It was noted that there was an increase in checkpoints taking place so there was an increase of non-moving violations.

6.2 Auditors from Teed Saunders Doyle & Co.

Peter Logan, Teed Saunders Doyle & Co. Chartered Accountant presented the audit report. He noted that the Town's debt service ratio is 12%. 20% would be the maximum recommended amount. He thanked Sherman St. Germain, Town Treasurer and Katie Cameron, Accountant Assistant for the work they did. He noted it was a clean audit.

Moved by Councillor Bond and seconded by Councillor Beach that the Town of Hampton approve the audited Financial Statement as presented by Teed Saunders Doyle & Co. Chartered Accountants for the year ending December 31, 2020 for the General and Utility Fund.

MOTION CARRIED

Moved by Deputy Mayor Doucet and seconded by Councillor Bond that the Town of Hampton appoint Teed Saunders Doyle & Co. as the Auditors for the 2021 Audit.

MOTION CARRIED

6.3 Zoning By-law Public Hearing

Mayor Chorley called to order the public hearing of the proposed Zoning Bylaw.

Jennifer Brown, Dillon Consulting provided a summary of the proposed by-law and where the by-law was in the process. She noted the following text changes:

- 4.2(f) Adding “outdoor” before Wood burning furnace.
- 7.1.4 (c) A barn for the keeping of livestock where the land has a minimum of 2 hectares, providing it is not located in a residential subdivision Change “livestock” to horses. Reverts back to former language.
- 7.2.4 Remove Day Care Centre from Multi-Unit Residential Zone conditional uses.
- 8.1 (h) Change reference to “community recreational establishment” to “commercial recreation facility ” in Town Centre Zone.
- 9.1 (l) Change “fitness and wellness facility” to “commercial recreation facility” in Mixed Use Zone. Reorder.
- 10.1 Delete “fitness and wellness facility” in Commercial General Zone (permitted through commercial recreation facility).
- Additional Definitions:
 - Add “laundromat” to Personal Service definition.
 - Add definition for “Farmers Market”
 - Add definition for “Microbrewery” (also covers distillery)
- Additional Provisions:
 - Provisions added to section 5 for Farmers Market to: Ensure site clean up and require liability insurance
 - Permit Farmers Markets in Town Centre, Commercial General, Institutional, Park, and Agricultural and Rural Lands Zones.
- Mapping Changes:
 - Property at the corner of Elizabeth and Main Street changed from “Town Centre” to “Mixed Use”
 - Property at the corner of Logie Drive and William Bell Drive changed from “One and Two Unit Residential” to “Commercial General”

Council had requested the written comments and recommendations of the Planning Advisory Committee. At the PAC meeting of February 23, 2021, the following motion was made and carried:

Moved by Chris Rendell and seconded by Councillor Todd Beach to recommend to Council to proceed with the new zoning bylaw with the following changes:

- **Section 4.2.f) - Add the word “outdoor” at the beginning of the line.**
- **Part 3: Definitions – Add a definition for Farmers Market and that it be considered as a permitted use in all zones except for residential.**
- **Zoning Map – Change PID 30245104 from Town Centre to Mixed Use**

Motion Carried

The Town Clerk will read the following written comments into the record:

Chris Rendell, 24 Vernon Ave

I would like to request that the following changes be made in the Zoning Bylaw:

1. Under the Definition for “domestic animals”

Delete the word “bees”

2. In section **5.4.2 “Home Occupations Permitted By Development Permit”**

Add "(h) Market Garden"

To be clear, this request is about explicitly permitting production as a home occupation, and is not intended to include retail sales from the home.

If needed, the following definition for Market Garden is offered: *“A garden used for growing and harvesting vegetables, fruits, flowers, shrubs, trees or other horticultural products for the purpose of sale”*

3. In section **5.5 “Keeping of Chickens”**

Delete "(b) (viii) The sale of the eggs produced is not permitted"

There are existing regulations at the provincial level which control the sale of eggs, and any sales that might occur from 6 backyard chickens would be very informal, and very unlikely to cause any upset for neighbours.

4. In section **5.1.2 Fences**

Change: "Except for a security fence of chain link or wrought iron construction ..." to "Except for a security fence of chain link or wrought iron construction, or deer fence ..." If needed, the following definition for Deer Fence is offered: *“A fence that is no more than 8 feet high and constructed of an open mesh that allows a clear view through the fence”*

Elizabeth Malatestinic, 24 Vernon Ave

I have been made aware of the current situation regarding the restriction within town limits of the ownership of bees. I felt it my responsibility, as an active member of my community to reach out and share my thoughts on the matter. There are a number of beehives currently located within town limits, and in my experience, the people looking after these hives are very skilled, knowledgeable and responsible.

Restrictions in the zoning bylaw are not needed to control this activity. Maybe what is needed instead is an inspection on the bee operation to ensure that the beekeepers are indeed doing their work in a wholistic way that respects the community and the environment. :) Thank you and have a beautiful day.

Zelda Howarth, 50 Branscombe Lane

It has come to my attention that one of the bi-laws is to be changed and that change would not allow for Chickens (eggs) and bees to be allowed within town limits. I oppose this decision. I have been buying my eggs locally within town limits for a few years now. I also know of another bus driver that started a chicken coup just last year. The bees on the other hand, I know we have a few hives, we need bees to pollinate and I haven't heard of anyone having any issues with the hives that have been here forever either.

Hampton is about community and small businesses, Honey and eggs are just two of the small businesses in our area. Please do not approve this bi-law with poultry and bees on it.

David Turner, 59 Raymond Street

I live in Hampton (59 Raymond Street, Hampton N.B. E5N 5J9), and regarding the upcoming amendment to the Zoning Bylaw, I would like to see the word "bees" removed from the relevant text.

*"domestic animal" means an animal customarily kept within a dwelling or in an outside pen or accessory building for the sole purpose of pleasure rather than utility, and includes dogs, cats, rabbits, rodents, small birds and other animals but **excludes** cattle, sheep, horses, pigs, poultry, **bees**, goats and other animals normally raised on farms and exotic animals normally kept in zoos including lions and llamas"*

The vital importance of bees as pollinators (both for agriculture and in the support of natural ecosystems) and their vulnerability as a species make it important for us to do all that we can to encourage their thriving. Allowing for the careful maintenance of beehives within the town limits is one way to do that.

In my experience, the few people who do keep bees are very skilled, knowledgeable and responsible, and so restrictions in the Zoning Bylaw are not needed to control this activity. Thank you for taking the time to read my comments on this amendment.

The Public may continue to submit comments until March 31st, 2021.

The Mayor will open the floor to comments. Individual must present at the podium. State their name and their address.

Chris Rendell, 24 Vernon Ave

Asked about the proposed timeline for the reading of the by-laws.

The Mayor called three times for anyone else to speak.

The Mayor adjourned the public hearing.

7. READING OF BY-LAWS

7.1 By-law No. 216-2021

Moved by Councillor Beach and Second by Deputy Mayor Doucet that the comments provided by the members of the public be forwarded to Town Staff and Town consultants for review and recommendation prior to the third and final reading of the Zoning By-law.

MOTION CARRIED

Moved by Councillor Beach and seconded by Councillor that the Town of Hampton accept the first reading of By-law No. 216-2021: Town of Hampton Zoning By-law.

MOTION CARRIED

Moved by Councillor Beach and seconded by Deputy Mayor Doucet that the Town of Hampton accept the second reading of By-law No. 216-2021: Town of Hampton Zoning By-law.

MOTION CARRIED

7.2 By-law No. 217-2021

Clerk read written comments received. There was one letter received:

Diane Cosman, 52 Branscombe Lane:

Is this one of those by-laws that seem like a good idea in light of the environment but in reality will be cumbersome, costly to local vendors and possibly very difficult for some to comply with? I'm just thinking of families who don't own reusable bags. Will they be provided to these families? And small business owners for whom this will be awkward (I forgot them at home...how to do I get these 17 items to the car?) and costly (if they are required to provide paper bags). During this past year there have been times when we were not permitted to bring our own bags into the store...this could happen again.

Just a few cautions and questions and perhaps the people I'm concerned about will all be taken care of at no cost to the individual or to the small business owner, but if not, maybe this isn't a great idea. I expect those who are most affected will speak out. This one voice is not in favour at this time.

I was thinking about the general state of things at present. Businesses are struggling more than normal due to enforced closures and business interruptions. Many people have either lost jobs or are having more trouble than ever making ends meet due to the enforced changes and cutbacks of the past year. Things are highly regulated right now. Unfortunately many people are experiencing feelings of fear, depression, anxiety and great uncertainty about the future.

Why not table this to a future time when things are easier for folks? It doesn't seem kind to add yet another rule to follow with threats of more fines. The timing just seems off and thought I'd mention it.

We are fortunate to live in a beautiful town and I appreciate the hard work of the council. Thank you for allowing me to express my concerns.

Councillor Beach provided an overview of the proposed bylaw.

Moved by Councillor Beach and seconded by Deputy Mayor Doucet that the Town of Hampton accept and adopt the third and final reading of By-law No. 217-2021: A By-law of the Town of Hampton Respecting the Reduction of Single-Use Plastic Bags, noting that the By-law comes into effect on June 30, 2021.

MOTION CARRIED

Councillor Beach recognized the efforts of students and staff of Hampton High School regarding this by-law. He also noted that it was important to address the concern raised about the burden that purchasing reusable bags may be on some people.

Moved by Councillor Beach and seconded by Deputy Mayor Doucet that the Town of Hampton consult the Hampton Food Basket regarding the best method for donating or financially supporting the purchase of re-usable bags for Hampton Food Basket clients.

MOTION CARRIED

8. ADOPTION OF MINUTES

8.1 Minutes of February 9, 2021

Moved by Councillor Beach and seconded by Councillor Bond that the minutes of the February 9, 2021 Regular Council Meeting be adopted.

MOTION CARRIED

9. BUSINESS ARISING FROM MINUTES

There was none.

10. CORRESPONDENCE LIST

#	From	Subject Matter	Recommendation
21-007	Luke MacGregor Gridiron Brewing 1051 Main Street	Request to stop up and close Albert Street to allow them to construct a patio for their microbrewery and tap room.	Moved by Deputy Mayor Doucet and seconded by Councillor Bond that correspondence 21-007 be referred to Public Works Advisory and Utilities Commission for a recommendation. MOTION CARRIED
21-008	David Thompson, P.Eng. District Engineer, Department of Transportation and Infrastructure	Request that the Town of Hampton complete monitoring on the two Department of Transportation and Infrastructure water systems located within the Town of Hampton.	Moved by Councillor Bond and seconded by Councillor Beach that correspondence 21-008 be referred to Public Works Advisory and Utilities Commission for a recommendation. MOTION CARRIED
21-009	Garth and Helena Millar, Race Organizers, Hampton Ladies Triathlon	Request to use Town streets on Sunday, August 29 th for the 13 th annual Hampton Ladies Triathlon.	Moved by Councillor Beach and seconded by Councillor Bond that the Town of Hampton provide permission for Garth and Helena Millar to use Town Streets and Trails as outlined in their letter for the Hampton Ladies Triathlon on Sunday, August 29, 2021 conditional on the Hampton RCMP and the Department of Transportation and Infrastructure also being notified. MOTION CARRIED
21-010	The Honourable Brenda L. Murphy, Lieutenant Governor of New Brunswick	Request for the Town of Hampton to encourage residents to submit nominations for the Order of New Brunswick by April 15, 2021.	Moved by Deputy Mayor Doucet and seconded by Councillor Bond that the Town of Hampton post the Order of New Brunswick nomination information on Social media. MOTION CARRIED

21-011	Diane Cosman 59 Branscombe Lane	Feedback concerning the proposed Plastic Bag By-law.	Clerk read into the record prior to the third and final reading of By-law No. 217-2021: A By-law of the Town of Hampton Respecting the Reduction of Single-Use Plastic Bags.
--------	------------------------------------	--	--

11. REPORTS FROM COMMITTEES

11.1 Economic Development and Tourism

Councillor Beach provided an overview of the Economic Development and Tourism Committee minutes. It was noted that SJ Economic Development Agency attended a session with Council to discuss plans for the new agency. KPIs will be identified and a Community Dashboard established for partners to see progress. Focus right now is on staff and definition of roles and projects.

He stated that work is underway on a business information package for new businesses in the area and the 2021 Town of Hampton Community Guide expanding this year to include business listings.

Several members of the committee reviewed the provincial food and beverage strategy. The committee will continue to follow to see KPIs that are developed and any opportunities for Hampton area businesses.

Councillor Beach noted that the Economic Development and Tourism manager shared the HASCAP Funding information with area businesses and with the Hampton Area Chamber of Commerce.

He noted that the Wayfinding Signage will be installed in the Spring/Summer of 2021.

11.2 Leisure Services

Deputy Mayor Doucet reviewed the Leisure Services Advisory Committee minutes with Council. The committee welcomed four new members to the committee.

He noted that in partnership with Nature NB, Kate Turner installed signs for a self-guided trail walk from February 24 - March 10 in the trail section behind Hampton Elementary School and Dr AT Leatherbarrow School.

He reported that the webcam of the ice surface is now operational.

It was noted that the community leaf bin is being removed. Residents are able to put leaves and grass clippings in their compost bins.

Deputy Mayor Doucet noted that the Hampton Regional Facilities committee will be changing raffle companies. This will require some changes in equipment and the set-up of the raffle. The Leisure Services department has received \$2,54.42 from year 4 of the raffle proceeds.

11.3 Age-Friendly Community

Deputy Mayor Doucet stated that the committee members have decided which subcommittee they would like to work on. The committee members have also decided which pillar they would like to champion.

11.4 EMO

There were no minutes as it was a training session in February but memo from the EMO Coordinator.

Moved by Councillor Bond and seconded by Deputy Mayor Doucet that the Town of Hampton appoint Betty Ann Condly to the Hampton Emergency Measures Organization effective immediately.

MOTION CARRIED

11.5 Planning Advisory Committee

Councillor Beach noted that the PAC provided written comments which were noted in the Public Hearing for the proposed Zoning By-law.

In addition the committee reviewed an application for a change of use to approval for a retail store (Kit N Kaboodle Pet Boutique) in a Town Centre (TC) zone to be located at property 1032 Main Street. The use was approved.

Moved by Councillor Beach and seconded by Councillor Bond that the Town of Hampton appoint Bailey Brogan as the Environment Committee representative on the Planning Advisory Committee effective immediately.

MOTION CARRIED

11.6 Environment Committee

Councillor Beach reported that Julie DiCicco and James Mario both of Dillon Consultants provided an update to the committee on the Climate Change and Vulnerable Adaption Plan study. The second online Community Engagement Session will be online, and the link is on the Town Website.

11.7 Fire-Rescue

Councillor Bond provided an overview of the Fire-Rescue report.

11.8 Health Care Committee

The Town CAO reviewed the Health Care Committee minutes with Council. He noted that they had a guest speaker, Darren Wilkins from Crandall University. He gave a presentation on his work on an Applied Research Project exploring the possibility of gaining a Mental Health Resource Centre for the residents of Hampton and surrounding areas.

It was noted that Dale Somerville, on behalf of the Health Committee, sent a letter in support of the Town of Hampton's proposal for a grant through the New Horizons for Seniors Program.

It was noted that Dr. Dickson has opened his practice in the Hampton Health Care Centre in the Pharmasave building.

11.9 Finance Committee

Councillor Bond noted that the motions were made above previously in the meeting.

Moved by Deputy Mayor Doucet and seconded by Councillor Bond that the Town of Hampton accept the Economic Development and Tourism, Leisure Services Advisory, Age-Friendly Community, Fire-Rescue, EMO, Planning Advisory Committee, RCMP, Environment, Health Care and Finance Committee reports as presented.

MOTION CARRIED

12. APPROVAL OF REPORTS

12.1 Building Permit Report

Council reviewed the building permit report.

12.2 Dog Constable

Council reviewed the dog constable report.

12.3 Financial Reports

Council reviewed the financial report.

12.4 Communications Report

The Communications Officer updated Council on the 2021 Community Guide.

Moved by Deputy Mayor Doucet and seconded by Councillor Beach that the Town of Hampton approve the Building Inspector, Dog Constable Report, Financial and Communications Reports as presented.

MOTION CARRIED

13. APPROVAL OF ACCOUNTS

Moved by Councillor Bond and seconded by Deputy Mayor Doucet that the Town of Hampton approve the General and Utilities Fund Paid Invoices from February 1 to February 28, 2021 for the amount of five hundred and forty-seven thousand, eight hundred and ten dollars and nine cents. (\$547,810.09).

MOTION CARRIED

14. NEW BUSINESS

14.1 HR

Moved by Deputy Mayor Doucet and seconded by Councillor Bond that the Town of Hampton redesignate Arthur McCarthy as a full-time permanent employee having successfully completed his probationary period.

MOTION CARRIED

14.2 **Regional Economic Development Agency for Greater Saint John**

Moved by Deputy Mayor Doucet and seconded by Councillor Beach that the Town of Hampton enter into the Funding Agreement with the Regional Economic Development Agency for Greater Saint John, as presented.

MOTION CARRIED

Moved by Councillor Beach and seconded by Councillor Bond that the Town of Hampton approve the Members' Agreement for the Regional Economic Development Agency for Greater Saint John, as presented.

MOTION CARRIED

15. OUTSTANDING ISSUES

There were none.

16. ADJOURNMENT

There being no further business, the meeting of Council was adjourned at 8:27 p.m.

Moved by that the Town of Hampton adjourn the council meeting of March 9, 2021.

MOTION CARRIED