

HAMPTON SPECIAL COUNCIL MEETING

November 21, 2023

A closed session of Council was held immediately preceding the special Council meeting, commencing at 6:00 pm. A special meeting of Council was held November 21, 2023, in Council Chambers commencing at 7:00 pm.

ATTENDANCE:

COUNCIL: Mayor Robert Doucet
Deputy Mayor Jeremy Salgado
Councillor Todd Beach
Councillor Karin Boyé
Councillor Ken Chorley
Councillor Kim Tompkins

STAFF: Richard Malone, Chief Administrative Officer, Acting Clerk
Arthur McCarthy, Director of Planning, Engineering and Development
Sherman St. Germain, Director of Finance and Human Resources
Bailey Brogan, Assistant Planner/Development Officer
Colin Crealock, IT Coordinator
Jessie Dean, Executive Assistant to the CAO
Lydia Gendron, Administrative Assistant - Planning

DELEGATIONS: Jennifer Brown, Dillon Consulting, Planning Director

GUESTS: Gordon MacQuarrie, 491 Hall Road
Marshall Fowler, 6 Cumberland Road
Myrna Smith, 71 Bloomfield Ridge Road
Chris Rendell, 24 Vernon Avenue
John Sabine, 59 Valleyview Drive
Gerald O'Dell, 2208 Route 820
Vernon O'Dell, 1175 Route 820
Al Walker, 58 Centennial Road
Bruce Norris 1275 Route 860
H. Brian Reid, 87 Norton Shore Road
Greg O'Brien, 17 Church Street
Taylor Floyd, 67 Centennial Road
Kevin MacKenney, 41 O'Dell Loop Road
Annabelle McRae, 29 Robertson Road
Duncan McRea, 29 Robertson Road
Marty Burrill, 25 Saunders Street
Denise Runyon, 52 Centennial Road
John Runyon, 52 Centennial Road
Ted Bohn, 100 Centennial Road
Robert Craig, 1582 Route 860
Bruce Fowler, 1412 Route 860, (half-owner 64 Robertson Road)
Nathan Chant, 74 Chestnut St, Monto, NB (Videoconference)
Chris Jones, 3 Everson Drive, North York, ON (Videoconference)

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1. CLOSED SESSION

In accordance with Section 68(1) of the *Local Governance Act*, Mayor Doucet called the closed session to order at 6:00 p.m. and adjourned the closed session at 7:00 p.m. 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	
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	1
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	

OPEN SESSION

2. CALL TO ORDER

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

3. SILENT MOMENT OF REFLECTION

Mayor Doucet led Council through a silent reflection.

4. APPROVAL OF AGENDA

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Moved by Councillor Beach and seconded by Deputy Mayor Salgado that the agenda of the November 21, 2023 Council meeting be approved as presented.

MOTION CARRIED

5. DISCLOSURE OF CONFLICT OF INTEREST

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

6. PUBLIC HEARING

6.1 Jennifer Brown, Planning Director Dillon Consulting – Municipal Plan By-law

Mayor Doucet called to order the public hearing for the Municipal Plan By-law. Mayor Doucet introduced Jennifer Brown to present the Municipal Plan By-law. Jennifer Brown provided an update on the Municipal Plan and Zoning By-law project and legislative process. The project comprised of three phases, project initiation, engagement and drafting, and legislative approval. Jennifer Brown then proceeded to give an overview of the legislative process. Jennifer Bown continued the presentation on the municipal plan overview and feedback, the vision for Hampton, objectives to achieve the vision and intentions of the Municipal Plan. Jennifer Brown provided a summary of the feedback which was submitted to Council by memo on October 24, 2023 which included feedback referencing the Future Land Use Map, staff reviews of the approaches to portion of Route 100 fronting along Nauwigewauk community, splitting land use designations on single parcels, and partially submerged lots, recommendations from the Planning Advisory and Environment Committees as well and noted all other committees received a presentation on the Municipal Plan. Jennifer Brown provided the next steps expected in the process including Council to hear support and/or objections during the public hearing.

Mayor Doucet noted Council had requested written comments and recommendations of the Planning Advisory Committee. This information is included in Jennifer's report but for further certainty, at the PAC meeting of November 9, 2023, the following motion was made and carried:

Moved by Chris Rendell and seconded by Dave Henderson to recommend the Municipal Plan to council.

Motion Carried

Mayor Doucet opened the floor to comments.

Chris Randell, 24 Vernon Avenue speaking on behalf of wife Laura Myers who is a member of Hampton's environment committee requested to provide two statements. Request for walking path for Hampton High School students from the high school football fields to Viola Avenue and Vernon Avenue. They noted that there is a path currently being used by students with landowner permission which is a PID with a service easement. Second request was for Hampton to support exploration for public

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transportation within region to foster environment for aging community with public transit opportunities. Noting that affordable housing is also needed and with that offer residents reliable transportation. Request to reinstate public transportation.

Al Walker, 58 Centennial Road noted he was in support the Municipal Plan, request for minor changes to land use map and the Town's encouragement of heritage residences identified by three 3 areas, Everett Street, St. Andrew's Street, and a portion of Centennial Road. Recommendation of commercial area be changed to residential. Support for approval of municipal plan.

Ted Bohn, 100 Centennial Road noted support for Municipal plan in recognition of the heritage area on Centennial Road. Thank you for the recommendation.

Denise Runyon, 52 Centennial Road noted support of the changes to rezoning. As a small business owner, she hopes to make small business grow. She identified a small lot which they would like to be able to establish business with. Support for zoning of mixed use for their small bakery business location.

Robert Craig, 1582 Route 860 noted to be on public record that he does not consent and will not comply with the information being presented. He noted he does not have confidence in government and expressed government officials should be tried for treason.

Duncan McCrea, 29 Robertson Road noted concerns at the Hampton end of Robertson Road being heavily traveled. Concerns regarding safety with the request for more lighting and widening road for walking. Request for Council to take concerns of citizens in the area.

Myrna Smith, 71 Bloomfield Ridge Road inquired about areas with mixed use if there is a process in place for Council to approve or decline business in specific area. Jennifer Bown explained that this would be more in the Zoning By-law where there is a list of permitted uses and provided example.

Chris Randell, 24 Vernon Avenue noted concern of release of information and the summary of comments released on website. Request for revised municipal plan to be provided for review by public.

Denise Runyon, 52 Centennial Road noted businesses who need specialty items currently need to use resources like gas for travel, to get products that they believe should be readily available in Hampton. Appreciate the limits to businesses able to operate in Hampton but would like to see more businesses in town noting the importance to keep revenue in Hampton.

Mayor Doucet called three times for anyone else to speak for or against the Municipal Plan By-law. There were none.

Moved by Councillor Tompkins and seconded by Councillor Boye that the Hampton Town Council adjourn the Municipal Plan public hearing November 21, 2023.

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MOTION CARRIED

Councillor Beach inquired if after first and second reading if changes can be made before third reading. Jennifer Brown noted that changes can be made up to 3rd reading. Proposed changes will be presented before third reading. If Council is not comfortable to the changes presented, then they can delay the third reading.

Moved by Councillor Tompkins and seconded by Councillor Beach that Hampton Council adopt the Hampton Municipal Plan (By-law No. Ham-2023-15) as presented with the following changes incorporated and presented at 3rd reading:

- **Update the Future Land Use map as recommended in table 2 of this report;**
- **Insert a list of any changes that have not been incorporated into the Municipal Plan document or Future Land Use map as presented in the Council package.**

MOTION CARRIED

Acting Clerk Richard Malone performed the first reading of the Hampton Municipal Plan By-law.

Moved by Councillor Tompkins and seconded by Councillor Boye that Hampton Council accept the first reading of By-law No. HAM-2023-15 Hampton Municipal Plan By-law.

MOTION CARRIED

Acting Clerk Richard Malone performed the second reading of the Hampton Municipal Plan By-law.

Moved by Councillor Tompkins and seconded by Councillor Chorley that Hampton Council accept the second reading of the By-law No. HAM – 2023-15 Hampton Municipal Plan By-law.

MOTION CARRIED

6.2 Jennifer Brown, Planning Director Dillon Consulting – Zoning By-law

Mayor Doucet called to order the public hearing for the Zoning By-law. Jennifer Bown provided a presentation on the Zoning By-law overview and feedback, intentions of Hampton's Zoning By-law, feedback from the Planning Advisory Committee including approach to vehicle sales, service and repair, map changes, removal of insurance provisions for a private group using town property for public events, feedback from the public including map changes, cannabis retail sales, and a general review of comments, accessory building in the front yard of the Rural Residential zone, raising of bees, kennels, industrial and mixed use zoning along route 100, and additional feedback received after Council package was finalized including changes to greenhouse in

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agricultural definition, suggestion to include ‘hobby farm in R2, requirements for liability insurance for farmers markets be removed, request for revised drafts of Municipal Plan and Zoning By-law be made public before first and second reading, request that 51 Branscombe Lane retain agricultural zoning, request that 73 Centennial Road be zoned Residential, Request that 177 Kennebecasis River Road be zoned Rural Residential. Jennifer Brown provided the next steps expected in the process including Council to hear support and/or objections during the public hearing.

Mayor Doucet noted Council had requested written comments and recommendations of the Planning Advisory Committee. This information is included in Jennifer’s report but for further certainty, at the PAC meeting of November 9, 2023, the following motion was made and carried:

Moved by Dave Henderson and seconded by Phil Taber that the Planning Advisory Committee recommend that Council proceed with the Zoning By-Law as presented with staff reviewing the following:

- 1. Definitions of Vehicle Sales and Service, Vehicle Repair Garage and Vehicle Body and Paint Shop**
- 2. Expanding the Town Center Zoning along Main Street between Hall Road to Logie Drive,**
- 3. Removing insurance provisions for a private group using Town property for any group events**
- 4. PID 30271068 located along Homestead to be zoned as Parks and Recreation**
- 5. PID 00189274 on Centennial Road zoned MU as Residential**
- 6. Farmers Markets provision.**

Motion Carried

Mayor Doucet opened the floor to comments.

Marty Burrow, 25 Saunders Street recommended to delay 3rd reading beyond December based on feedback to see final details of requests for changes in zoning due to limited time to see map. Request to see property zoning changes from beginning of process to proposed zoning. Expressed feeling of process being rushed for residents with the understanding there is a push due to local governance. Expressed disagreement in the statement of zoning by-law being broadly permissive, noting section 6.4.3 stating no other use permitted than what is listed, excluding garages, etc. Request if building additions will require variance. Noted section 4.1.8, inquired whether allowed to have 6 chickens and if required to register with town. Noted they are not sure how this is permissive with limitations presented. Expressed there was too much being pushed. Request that when changes are submitted after readings that future changes can be made.

Greg O’Brien, 17 Church Street, apologized for not providing written submission, in regard to 64 Robertson Road which is zoned recreational, currently a portion of lot is recreational with other businesses. Requested clarity on what is classified as recreational businesses. Inquired about property being zoned will existing use be grandfathered in. Inquired about expansion of use which may not be recreational. Expressed zoning

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category being restrictive to operations opening on property if businesses are not recreational. Inquired about another zoning category to support a mixed development. Jennifer Brown responded with suggestion to update the parks and recreational zone to permit allowances for additional uses for Council to review for third reading. Greg O'Brien noted that fifty percent of the property is developed with future intent for other options to be pursued. Councillor Beach inquired about splitting PID. Jennifer Brown noted although not ideal, it can be advisable in some cases.

Denise Runyon, 52 Centennial Road noted disappointment with zoning of 73 Centennial Road being residential. Expressed intentions to establish business at that location. Noted access to other retail facilities are not readily available in Hampton. Noted zoning is commercial and mixed use up to property.

Gordon MacQuarrie, 491 Hall Road inquired about the future zoning of property and the future agricultural use. Jennifer Brown noted what is already legally there will be permitted to continue. The updated zoning map shows rural residential. Gordon MacQuarrie requested to have current use accommodated.

Ted Bohn, 100 Centennial Road expressed concerns of zoning change process and if those impacted by changes have been contacted for feedback. Noted that 73 Centennial Road was rezoned and they only found out through word of mouth and that neighbours were not aware of changes. Cautioned not to forget the trust to the constituents. Requested to have affected residents contacted. Jennifer Brown noted that Hampton had met legislative requirements for advertising and community planning act, including newsletter to residents, online advertisement, shared on social media and draft documents webpage. Mayor Doucet also noted Hampton has done everything they could do including public presentation, newsletters and online communications.

Al Walker, 58 Centennial Road expressed appreciation for the presentation. Regarding items from Planning Advisory Committee, he is happy with proposed solution for vehicle repair and services and appropriately dealt with for intensity of business and existing businesses. Noted 73 Centennial Road in respect to land use/zoning that the initial plan document did not make sense to zone as mixed use in middle of the zone, the parcel is challenging and does not meet land use requirements and was purchased as residential. Expressed support of Zoning By-law and changes.

H. Brian Reid, 87 Norton Shore Road spoke regarding their properties including an island and two additional properties. Provided a brief history of the properties and where the island is located. Noted that the island is above the flood plain according to the Province. Request to clarify that all three properties be rural residential to permit construction of structure for enjoyment of property. Reiterated that the island has never been below water during floods.

In 2002 they had insisted on acquiring a kennel license and were told it was not needed by the previous Planning Advisory Committee, and now have a Pet Establishment license. Request to resolve inconsistency with by-law and provincial definition, 4 or more

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domestic animals versus 5 or more. Noted that a kennel is only allowed in rural zoning and requested allowing in rural residential to be compliant.

John Sabine, 59 Valleyview Drive expressed that concern for a large change for the area. Was concerned that changes are being made and those affected have not been contacted including himself. Request that staff reach out to everyone in the community who's zoning has been changed.

Bruce Fowler, 1412 Route 860, (half-owner 64 Robertson Road) expressed support of presentation given earlier in the evening regarding Robinson Road to be more pedestrian friendly.

Myrna Smith, 71 Bloomfield Ridge Road not in agreement with statement regarding Centennial Road property always zoned as residential, due to their understanding that the coal sheds were previously located on that property. Request for explanation why they cannot be mixed use. Expressed concern of what changes have gone unseen and amount of changes being made without the majority of residents aware.

Chris Rendell, 24 Vernon Avenue noted regarding section 4.3.2 climate change affect to food, home gardens and the presence of deer, fences in residential zone are noted as 1.5 meters maximum for front yard and depending on orientation the front yard may be the best location for a garden. Request that fence in a residential zone be a maximum of 2.5 meters to remove deer fencing limitations from front yard of residence.

Chris Rendell also noted that greenhouse and roof/ground solar are only permitted in rural residential zones. Noted roof ground solar is not included in definitions. Request for residential R1 and R2 zones to permitted roof ground solar.

Request for revised draft be made available before second reading of by-laws. Expressed their assumption that public comments will be reviewed and debated. Noted that the public has not seen revised draft since close of comments.

H. Brian Reid, 87 Norton Shore Road requested walking trails and availability, noted concern of the shoulder of road for some trails to walk through town of Hampton.

Chris Jones, 3 Everson Drive, Ontario (Videoconference) provided a presentation overview on their cannabis retail company's business opportunity in Hampton. Noted issues with establishing within Hampton. Recommendation to allow cannabis retail in three zones (Mixed Use, Town Centre and General Commercial) due to low availability of retail space. Currently zoning limits ability to open store. Chris Jones provided a map to show the permitted location to be able to open store, the zoning map overlaid with radius area, and noted limitations due to schools based on regulations. Noting that most location already have established business and the availability of retail space to meet requirements limited. Mayor Doucet thanked for presentation and no comments given.

Mayor Doucet called three times for anyone else to speak for or against the Hampton Zoning By-law. There were none.

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Moved by Councillor Beach and seconded by Deputy Mayor Salgado that the Hampton Town Council adjourn the Zoning By-law public hearing November 21, 2023.

MOTION CARRIED

Councillor Tompkins requested clarity for comments being addressed before third reading. Inquired if Council can extend the process if they have concerns to proceed. Jennifer Bown confirmed process that the redline draft will be prepared to be made public. Additional items will be review before third reading. Councillor Tompkins requested that the draft be available to public before third reading to address concerns. Jennifer Brown noted to defer process to town Clerk for publishing packages. Acting town Clerk Richard Malone noted intent to publish redline version to be soon. Jennifer Brown noted the redline version would be published except for items that they requested more time to review and public comments from this evening. Councillor Beach confirmed that they should proceed with first and second reading and potentially push the third reading a month to provide additional time for review. Jennifer Brown suggested an update be provided at the December 12th meeting and anticipate third reading at January meeting. Mayor Doucet recommended reading to proceed with the first and second readings and proceed to third reading in January. Councillor Tompkins requested that before the meeting in December, to publish the final draft for review. Councillor Beach noted to review livestock keeping, and agricultural units. Jennifer Brown noted these definitions may be additional contextual pieces in document.

Moved by Councillor Tompkins and seconded by Councillor Boye that Council adopt the Hampton Zoning By-law No. HAM-2023-16 as presented with the following changes incorporated and presented at 3rd reading:

- a) Delete section 4.11 Farmers Markets from the General Provisions;
- b) Add to the Mixed Use zone, permitted uses: Vehicle Repair Garage, existing;
- c) Removed from the Town Centre zone, conditional uses: Vehicle Sales and Service;
- d) Remove from the Mixed Use zone, conditional uses: Vehicle Sales and Service;
- e) Update the Zoning Map as recommended in table 5 of this report;
- f) zone the property at 177 Kennebecasis Drive as Rural Residential

MOTION CARRIED

Acting Clerk Richard Malone performed the first reading of the Hampton Zoning Bylaw.

Moved by Councillor Tompkins and seconded by Councillor Beach that Hampton Council accept the first reading of By-law No. HAM-2023-16 Hampton Zoning By-law.

MOTION CARRIED

Acting Clerk Richard Malone performed the second reading of the Hampton Zoning Bylaw.

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Moved by Councillor Tompkins and seconded by Councillor Chorley that Hampton Council accept the second reading of the By-law No. HAM – 2023-16 Hampton Zoning By-law.

7. NEW BUSINESS

7.1 Sherman St. Germain, Director of Finance – Transfer of funds

Sherman St. Germain requested to move funds providing an update due to delay in borrowing board debenture. Request to move funds.

Moved by Councillor Beach and seconded by Councillor Boye to transfer \$300,000.00 from Hampton’s general capital reserve fund, account #601940012610 to Hampton’s operating account, account #601940029815.

MOTION CARRIED

7.2 Sherman St. Germain, Director of Finance – Sponsorship request

Sherman St. Germain presented a request from Gala Ballet Production Inc for a sponsorship request for their annual production of The Nutcracker. Sherman St. Germain recommended to be a silver sponsor to production of The Nutcracker to support the four Hamptonians in production. Mayor Doucet inquired about the location of the production. Sherman noted this request comes from additional information received and that the production will be at the Imperial Theatre in Saint John.

Moved by Councillor Chorley and seconded by Councillor Boye that Hampton Council sponsor the Gala Ballet Productions Inc. annual production of “The Nutcracker” in the amount of \$ 400.00 (Silver Sponsor).

MOTION CARRIED

8. OUTSTANDING ISSUES

No additional outstanding issues were noted.

9. ADJOURNMENT


There being no further business, the meeting of Council was adjourned at 9:31 p.m.

Moved by Councillor Beach that the Hampton Town Council adjourn the council meeting of November 21, 2023.

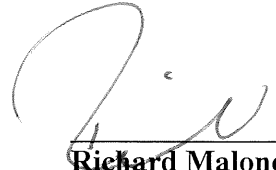
MOTION CARRIED

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APPROVED BY:



Robert Doucet
Mayor



Richard Malone
Chief Administrative Officer (Meeting Clerk)

