

**TOWN OF HAMPTON  
COUNCIL MEETING  
July 28, 2009**

A Closed Session of Council was held immediately preceding the regular Council meeting, commencing at 6:30 p.m. A special meeting of Council was held in the Council Chambers at 27 Centennial Road on July 28, 2009 commencing at 7:00 p.m.

**ATTENDANCE:**

Council:	Mayor Ken Chorley Councillor Peter Behr	Deputy Mayor Dwight Bond Councillor Robert Doucet
Staff:	Richard Malone, Chief Administrative Officer Megan O'Brien Harrison, Town Clerk/Development Officer	
Delegations:	Edward Baird and Andy Lodge, representing Hampton Real Estate Services Ltd.	
Guests:	William Turner, 5 Greenwood Court Dave Carr, 564 Main Street Betty Tays, 20 Neill Drive Cherie Davis, 244 Main Street Walter Davis, 14 Mott Street Gloria Baird, 28 Pickwauket Road	Shawn Price, 10 Neill Drive Melody Jones, 25 Ludlow Lane George Tays, 22 Neill Drive Angela Davis, 131 Donlea Drive Lorna Doyle, 286 Main Street

**1. CLOSED SESSION**

In accordance with Section 10.2(4) of the *Municipalities Act*, Mayor Chorley called the Closed Session to order at 6:30 p.m. and adjourned the same meeting 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:

<u>Subsection of 10.4 (2)</u>	<u>Category</u>	<u># of Items</u>
(a)	Confidential information protected by law	
(b)	Personal information	1
(c)	Financial loss or gain (individual or municipal) or could jeopardize negotiations leading to an agreement or contract	1
(d)	Land transactions for a municipal purpose	
(e)	Violates confidentiality of information obtained from other governments (Federal and/or Provincial)	
(f)	Legal opinions or advice, and privileged communications	
(g)	Litigation or potential litigation	
(h)	Access to/or security of particular buildings, other structures or systems	
(i)	Information gathered by police	
(j)	Labour/Employment matters	

2. **REGULAR SESSION – PUBLIC COUNCIL MEETING**

Mayor Chorley called the Open Session to order at 7:00 p.m. Mayor Chorley noted that Councillor Lights was on vacation.

3. **MOMENT OF SILENCE AND MOMENT OF REFLECTION**

Councillor Doucet led Council in a moment of reflection.

4. **DISCLOSURE OF CONFLICT OF INTEREST**

None noted.

5. **PUBLIC PRESENTATION**

The Town Clerk presented the draft Municipal Plan Amendment and a summary of the rezoning application.

She noted that the Town of Hampton has received an application from Edward Baird and Dr. Hugh Baird of Hampton Real Estate Services Ltd. to rezone 274 Main Street (PID 00193748) in order to allow for the establishment of a licensed restaurant and pub at that location.

The current land use designation for this property under the Municipal Plan is “Residential” and the current zoning for this property under the Zoning By-law is “Neighbourhood Commercial.” In order for this application to be successful, the Municipal Plan must first be amended to change the land use designation to “Town Centre.” If the Municipal Plan amendment is successful, then the next step would be a Zoning By-law amendment to change the zone to a “Town Centre” zone.

The draft By-law #185-09 *A By-law to Amend the Municipal Plan By-law 159-04* would allow for the change in land use designation for PID 00193748 from “Residential” to “Town Centre.”

The Applicant

Edward Baird, on behalf of Hampton Real Estate Services Ltd. presented his proposal to create a licensed restaurant and pub at 274 Main Street. He plans to call the establishment “Shire Town Publicans.”

Mr. Baird’s plans include a 1050 square foot expansion to the existing building, a complete renovation of the current building, added lawn area, additional trees, a formal park area that would be open to everyone, and extended parking.

Mr. Baird stated that his target audience was young families. He stated that it would be a community based English pub style restaurant for the whole family with full service dining from 11 am until 11 pm. The facility would be fully wheelchair accessible. He said this establishment would provide an entertainment option that residents would no longer have to travel out of Hampton to experience. He said it would be a place for recreation and would add to the unique character and culture of the Town of Hampton.

Mr. Baird stated that the establishment would be an internet hot spot. It would have multiple flat screen televisions. He plans on having live acoustic music in the evenings as well as “satellite” performances from The Water Street Dinner Theatre. He also plans to have other live acts. Mr. Baird stated there will also be a relaxed lounge and entertainment area. A portion of the establishment will also be dedicated to a quiet dining area, where he plans to display local art work and advertising for tourist attractions.

Mr. Baird predicts that the establishment will have a minimum of 28 employees – 2 full time cooks, 2 part-time cooks, 6 full-time waiters, and 18 part-time employees.

Mr. Baird stated that he is working hand in hand with the management of the Emmaus Group Home and plans to serve as a model for how small businesses and special care facilities can integrate. He says he will ensure that the atmosphere of Shire Town Publicans is welcoming and comfortable for the residents and staff of the Emmaus Group Home.

In regards to noise concerns, Mr. Baird stated that he will abide by the details of the Noise By-law or else he will have to pay the fines. He noted that the building is designed to keep noise confined. He pointed out that the lot is lined with trees and that more will be added.

He stated that he would work closely with the RCMP to ensure safety of the community. He also noted that the entire premise, both inside and out, will be under video surveillance.

In regards to traffic concerns, Mr. Baird stated that he willing to join the fight of local residents to have the Department of Transportation decrease the speed limit in the area. He also mentioned that a convex mirror across the street might assist the traffic flow in this area. Mr. Baird stated that he did not feel that the Publican would increase the traffic in the area.

### Questions

Mayor Chorley opened the floor to the public to ask questions.

Walter Davis asked why the concept keeps changing. Mr. Baird said that when he submitted his application the concept was still a work in progress. He had submitted the application only a couple of weeks after purchasing the property. He said that he has learned a lot from the community going door-to-door. Mr. Baird stated that the proposal presented tonight is what he is requesting to be considered by Council and the public.

Shawn Price stated that he understood that they would not be provided an opportunity to speak tonight. The Clerk clarified that they could ask questions but that this was not an opportunity for individuals to speak for or against the proposal.

Melody Jones asked specifically what the hours of operation would be. Mr. Baird stated that they would be open until 2 a.m. on the weekends (Thursday, Friday and Saturday evenings) so that they could offer their patrons a similar social experience to what was available in Saint John. Mr. Baird stated he was proposing being open from Monday-Wednesday: 10am- 12pm (midnight) and Thursday- Saturday – 10am – 2am.

Melody Jones asked how far the walkway would extend in the park area. She was concerned that it would draw patrons towards her property. Mr. Baird noted that the existing trees were very thick and that he would not be cutting any close to the property lines. He stated that he would, in fact, be adding additional trees where required.

Ms. Jones asked if Mr. Baird was willing to put in a privacy fence. Mr. Baird did not feel that a privacy fence would be warranted but would consider it if needed.

Walter Davis asked if the province issues a liquor license won't Mr. Baird be able to have V.L.T.s? Council directed staff to check into this.

Mr. Baird also noted that he felt that the current zoning of Neighbourhood Commercial could allow for more traffic at this location, if for example, he opened a convenience store at this location. He estimated that he would add less than a percentage to the traffic now. He said he had stood out and counted the traffic that on average there were currently 10 cars a minute during the day and 30 cars a minute at "rush hour."

Cherie Davis asked if he had stood there at night or if he had stood there at 2 a.m.? Mr. Baird said that he has not. He stated that he does not feel that traffic and speed in the area is an issue that really pertains to the rezoning.

Walter Meech asked about traffic concerns and the potential danger of the knoll. Mr. Baird stated that the Town of Hampton has already deemed the property safe for commercial uses as it is zoned Neighbourhood Commercial. He said that Canada Post has deemed it a safe location for mailboxes. He agreed that the current speed limit is unsafe for the area and vowed to fight to decrease the speed limit. He stated that is not responsible for the knoll.

Shawn Price asked how Mr. Baird could predict that he would not be creating an environment for increased traffic. He stated that currently there is no traffic at the property after midnight, with the exception of the occasional patrol car or a resident collecting their mail. Mr. Baird stated that regardless of the outcome of the rezoning application, that residents had to get use to the idea that this site will be home to a booming commercial business, whether it be the Shire Town Publicans or a use that fits under a Neighbourhood Commercial zone.

Melody Jones stated that the Curves building only had a maximum of ten cars at a time and that the Canada Post box only had one or two people at a time using it.

Walter Davis asked if the beach volleyball court would mean an outside bar and additional noise. Mr. Baird stated that the beach volleyball court would be further from Mr. Davis's home than the Town's ball field located on Elizabeth Avenue. Mr. Baird said that he would be held to a higher standard than the Town's own facility. He stated that he had no plans for a deck or a patio outside. He also stated that patrons would not be permitted to exit the establishment with a drink in their hand.

George Tays asked what Mr. Baird would do to control the noise. Mr. Baird stated that he would not be in violation of the Noise By-law.

Mayor Chorley provided Council with an opportunity to ask questions.

Councillor Doucet asked about lighting options for the property. Mr. Baird stated that they had not fully investigated their options to date but that the lighting would provide for the safety of their patrons but would not be an eye sore for the surrounding residents.

Deputy Mayor Bond noted that several elements of this presentation varied from his rezoning application, including the hours of operation and the addition of the beach volleyball court. He was concerned with the changes and wondered whether an amended application should be filed with the Town of Hampton.

Mr. Baird stated that the hours of operation were an innocent mistake and that if it was an issue at all, that he would take out the volleyball court. He stated once again that when he submitted his original application he had just recently purchased the building and did not have the concept for the establishment completely hatched out. He was directed to immediately submit an updated application to reflect what he was truly asking Council to consider. If the updates were significant, Council would have to determine if any of the process to date needed to be repeated.

Deputy Mayor Bond asked Mr. Baird to review the slide on RCMP recommended safety measures as Council was unable to read the whole slide in the time provided.

Mr. Baird stated that the RCMP had recommended some of the following safety measures:

- Providing Taxi information and/or anti-drinking and driving slogans and photos on printed coasters and/or napkins;
- Establishing a designated driver program, especially for big events;
- Hanging Impaired Driving Posters around the bar;
- Establishing a discount days program with a taxi service; and
- Maintaining contact with the local enforcement officers and let them know when large crowds are expected.

Councillor Behr inquired as to what Mr. Baird meant by full-service menu until 11 p.m. Mr. Baird stated that it was his intention to offer a full service menu until 11 p.m. and then switch to a deep-fried only menu until 12 p.m. (midnight). Councillor Behr stated that would not work on weeknights as the establishment would be closing at 12 p.m. (midnight) and the patrons would need an opportunity to eat their food. Mr. Baird stated that he could close the kitchen at 11:30 p.m. Councillor Behr stated that it was important that he be specific in what he was proposing.

Councillor Behr asked if there would be a patio area. Mr. Baird stated that it was not his intention to have a patio or outside dining/drinks.

Councillor Behr asked if he would be open on Sundays. Mr. Baird stated that he would like to be open on Sundays from 10 a.m. until 12 p.m. (midnight).

Councillor Behr asked if the volleyball court would be lit. Mr. Baird stated that the volleyball court was for public use and that he hoped it would address a recreation void in the Town. It would not be lit.

Mayor Chorley noted that following the public presentation, the public will have thirty (30) days to submit their comments in writing to the Town Office, with the deadline for submissions being noon, on Friday, August 28<sup>th</sup>. Council has set the Public Hearing for the application for Tuesday, September 8<sup>th</sup> at 7:00 p.m. in Council Chambers at which time the written comments will be considered and the public will be provided an opportunity to speak on the proposed amendments.

Copies of the proposed By-law amendment and Mr. Baird's application are available at the Town Office and on the Town Website. Copies were also available at the public presentation.

Mayor Chorley concluded the public presentation.

## **6. ADJOURNMENT**

As there was no further business the regular meeting of Council was adjourned at 8:10 p.m.

**Moved by Deputy Mayor Bond and seconded by Councillor Behr that the Council Meeting of July 14, 2009 be adjourned.**

**MOTION CARRIED**

APPROVED:

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Ken Chorley, Mayor

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Megan O'Brien Harrison, Clerk