

TOWN OF HAMPTON COUNCIL MEETING
August 14, 2018

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 August 14, 2018 commencing at 7:00 p.m.

ATTENDANCE:

Council: Mayor Ken Chorley Deputy Mayor Doucet
Councillor Todd Beach Councillor Peter Behr
Councillor Dwight Bond

Staff: Megan O'Brien Harrison, Town Clerk/Communications Officer
Richard Malone, Town CAO/Assistant Treasurer
Carolyn Walker, Building and Development Officer

Delegation: Tanya Warren, Community Program Officer, RCMP Southeast District
Stephen MacMackin – St. Paul's Anglican Church rezoning application
Blake Carlteton – Hampton High School Football Team

Media: Laura MacInnes, Kings County Record

Guests: Debbie O'Bryant, 37 Mapleview Drive
Nancy and Gerald McGrath, 110 Viola Avenue
Lois Beyea, 54 Demille Court, Apartment 16
Lois Moore, 11 Geldart Court
Shonaugh Moore, 158 Viola Avenue
Elizabeth Kennett, 58 Kennebecasis River Road
Irene Dixon and Pam Bradley-Healey, 246 Bloomfield Ridge South Road
Heather and Clarence Miller, 102 Meadow Drive, Darlings Island
Walter and Nancy Meech, 533 Kennebecasis River Road
Gordon Payne, 142 St. Paul's Street
DJ Stevenson, 49 Dale Avenue
Dawn Lent, 60 Mapleton Crescent
Donna Leonard, 56 Cemetary Road
Alice Kennedy, 432 Kennebecasis River Road
Elaine Robichaud, 40 Bartlett Avenue
Myra Stites, 96 Saint Paul's Street
Rosa and Jean Claude Vautour, 163 William Bell Drive
Joyce Logan, 5 Tilley Street
Shirley Stanley, Hampton
Gail Quann, 40 Dutch Point Road
David Turner, 59 Raymond Street
Lionel Gautreau, 415 Kennebecasis River Road
Kris Doucet, 468 Kennebecasis River Road
Dave Wright, 476 Kennebecasis River Road

1. CLOSED SESSION

In accordance with Section 10.2(4) of the *Municipalities Act*, Mayor Chorley called the closed session to order at 6:00 p.m. and adjourned the closed session at 6:55 p.m. During that time, a number of issues were discussed and the confidential information from such discussions was classified as follows:

Subsection of 10.4 (2)	Category	# of Items
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	4
d)	Land transactions for a municipal purpose	2
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. OPEN REGULAR SESSION

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

3. SILENT MOMENT OF REFLECTION

Mayor Chorley led Council through a silent reflection. Council's thoughts were with the City of Fredericton given the tragic events of the past week.

4. APPROVAL OF AGENDA

Moved by Deputy Mayor Doucet and seconded by Councillor Behr that the agenda of the August 14, 2018 Council meeting be approved as presented.

MOTION CARRIED

5. DISCLOSURE OF CONFLICT OF INTEREST

Mayor Chorley asked Council to disclose any conflicts of interest when the matter arises on the agenda.

6. DELEGATIONS AND PUBLIC HEARINGS

a. Tanya Warren – Community Program Officer, RCMP Southeast District

Ms. Warren stated that she is the Community Program Officer for the communities of Sussex, Hampton and Grand-Bay. She has returned to this position after a two-year leave. Previously she had been involved in restorative justice but her mandate was now for alternative measures. The types of cases she has managed for Hampton have involved theft, assault and one indecent act. Since January she has managed 4 youth files and 7 adult files for the Hampton area. All these files have been either successful or are

ongoing. She noted that a low number of files are generated here and that we have a great community.

b. Public Hearing for Rezoning Request – 451 Kennebecasis River Road PID 30263529

The Mayor called the Public Hearing to order for the proposed amendment to the Zoning By-law.

The Town Clerk stated that the Town of Hampton has received an application to rezone 451 Kennebecasis River Road, further identified as PID 30263529, from Institutional to Residential, in order to allow for the development of a 21 unit seniors apartment complex. She will note that the Public Presentation on the application was held on July 10, 2018 and that no written comments have been received to date.

The Town's Building and Development Officer reviewed the application. She stated that the lot is currently occupied by the Hampton Community Garden, which is to remain for the time being. The area is not serviced by Town water or Town sanitary sewer; however, discussions have taken place to ensure proper servicing of the proposed development in regards to potable water and sanitary sewer connections.

She reviewed the sections of the Town's Municipal plan that Council should consider in making their decision.

The Development Officer stated that evaluation of all applications for amendments to the Zoning By-law shall also take the following into consideration:

1. Impacts on adjacent land uses and the natural environment including habitat and groundwater resources: She noted that the adjacent land (downgradient) is owned by the applicant and it has been suggested that the natural land be utilized for this project's stormwater management; Adjacent land (to the south) is currently being developed for single family residential; a tentative plan for the development has recently been approved; therefore, impacts on lands and natural environments will be minimal as both are similar in nature. And finally that a Stormwater Management Plan is required to be submitted prior to development in accordance with the Town of Hampton's Stormwater Management Guidelines.
2. Public Safety: the Development Officer felt that there is no concern regarding public safety with the proposed use.
3. Suitability of access, roads and bridges: The Development Officer noted that the proposed development is proposing access at both sides of the building. The Developers Consultant and the Town of Hampton's Public Works & Utility Committee will review the proposal to ensure visibility and site lines are taken into account prior to development proceeding.
4. Suitability of lot size to proposed use: The Development Officer noted that the proposed location is vacant land with an established community. The lot is proposed to house a 21-unit, two-storey building on a 2 hectare parcel that slopes downward from the majority of adjacent land owners; therefore, this location is suitable to accommodate the proposed use.

5. Compatibility of the proposed use and scale of buildings or structures to surrounding land uses: The Development Officer noted that the adjacent land uses are residential, and institutional. The proposed two-story apartment building does not exceed the height restriction as set out in the Zoning By-Law and is being placed on a gradient that slopes downward from neighbouring properties. There are no anticipated issues with privacy for surrounding homes and the architectural rendering is compatible with surrounding properties.
6. Issues of nuisance including traffic, noise, and visual disturbance: The Development Officer stated that there are no significant issues anticipated regarding traffic, noise or visual disturbances with this proposal, there should be minimal impact on the current traffic pattern and noise in the area once constructed. The proposed building will be within the 9m height restriction and will be located on a downward slope, therefore, the Development Officer does not anticipate any significant visual impact on neighbouring properties.
7. Maintenance of the character of the community: The Development Officer again noted that the neighbourhood of the proposed location is a mix of residential, institutional and vacant land. The proposed building design complements the surrounding properties and should not interfere with the existing character of the neighbourhood.
8. The potential pollution of air, soils or water. The Development Officer felt that these concerns were not relevant to this project. Air pollution is not relevant to the proposed use as there would be no increase in emissions within the surrounding air shed relative to the proposed development. Soil pollution is not relevant to the proposed use as this is historically vacant farm land and therefore, should have no history of contamination. However, should contamination be encountered, the contractors are obligated to report the findings to the NB Department of Environment immediately. There are no anticipated soil pollution hazards relative to the proposed use once developed. Water pollution is not relevant as the proposed use is not water dependent besides basic potable water usage. A Comprehensive Water Study was conducted and reviewed by NB Department of Environment to be able to accommodate the proposed development with conditions for water storage and a restricted pump rate for the well that will be incorporated into the Developer Agreement.

The Development Officer further states that, as per Section 110(1) of the New Brunswick Community Planning Act, Council forwarded the application to the Planning Advisory Committee for comment and as such the Committee made the following recommendation:

PAC RECOMMENDATION

Moved by Andy Lodge, seconded by Jim Sherrard that the Planning Advisory Committee recommend that Council consider the rezoning of 451 Kennebecasis River Rd, further identified by Property Identification Number 30263529, from Institutional to Residential to allow for the development of a 21-unit seniors residence complex as proposed in application made on June 6, 2018.

Motion Carried

The Development Officer states that staff is recommending that Council proceed with the rezoning application.

The Mayor will opened the floor to comments, inviting any members of the public who wished to speak in favour to the application to present themselves at the podium. He asked them to state their name and address. He first invited people who wished to speak in favour of the development.

Gerald McGrath, 110 Viola Avenue asked what percentage of subsidy would be granted for the apartments.

Stephen McMackin, Treasurer of St. Paul's Church, Social Development has a program 25% of the units will be affordable housing and will have rents subsidized

Walter Meech, 533 Kennebecasis River Road stated that is was certainly in favour of seeing development proceed. He wondered where on the property the building will be located as that intersection has always been a point of contention. He is concerned about the visibility and traffic flow on the corner. He wondered if the two-story structure further impede the visibility and if the Town's traffic control could change in light of this development.

Stephen McMackin stated that the building will be located at the lower boundary of the property just below the fencing of the community garden. The building faces down the hill. Storm water will be managed at the lower corner.

Lionel Gautreau, 415 Kennebecasis River Road things it is a really great thing but is concerned about the water.

Dr. Matt Alexander, Fundy Engineering stated that he had completed the comprehensive water study and that the wells are capable of handling the development. He stated that the new development should not affect existing wells.

The Mayor asked three times if anyone else wished to speak in favour of the development.

The Mayor then invited any members of the public who wished to speak in opposition to the application to present themselves at the podium. He asked them to state their name and address.

Cathy Murphy, 440 Kennebecasis River Road. She said that is not really against the project. She does have major concerns about the water. She said that she had to drill two wells on her property. The first was 350 feet with no water and the second well was 300 feet with minimal water. She said that she has to conserve her water and she is the only person in the house. She stated that she has terrible visibility in her driveway and is concerned about the access to this development.

Dave Wright, 476 Kennebecasis River Road said that he understands the need for seniors housing but that he is concerned about the water. He also said that drainage is a concern. He further stated that he

doesn't understand where the access will be and is very concerned about that intersection. He has requested that the RCMP sit at the Church parking lot because of the morning and evening traffic and speeding. He also noted that this was originally going to be a one-storey building but is now a two-storey building. He felt that depending on how the building was placed on the property that it could end up looking like a motel. Mr. Wright also asked if the entire parcel is rezoned will the development have the potential to expand in the future.

Stephen McMackin stated that the Town of Hampton controls the development permit and that they can't change their proposal without the Town's permission. He said the building will not be running length-wise along Kennebecasis. He also stated that the Town of Hampton requires storm water mitigation. This is built into the approval process. He noted that the Water study has been completed, and it has been reviewed by the Department of Environment. He said that the proposal was amended to a two-storey building to make the project successful. It is financially more feasible to build up and not out. He also stated that the design is based on the Town's requirements for setbacks.

Donna Leonard, 56 Cemetery Road indicated that she was working with Mr. McMackin on the project. She said that the water study dictates what can be built on the property. She stated that the development will not be expanded. She noted that the development will be connected to the Town of Hampton sewer system so the only drainage will be storm water.

Trish Wright, 476 Kennebecasis River Road asked if the water study takes into consideration the Demille Subdivision and asked if the study available for the public to view.

Dr. Alexander stated that the proposed subdivision was considered in writing the report. He also noted that it was reviewed by the Department of Environment.

Kris Doucet, 468 Kennebecasis River Road said that she is in support of seniors housing as long as it was done properly. She indicated that the resale of her previous property was negatively impacted by its proximity to another seniors housing complex as there is a concern about a loss of privacy. She is worried this would be a similar situation as she is directly across from the proposed development. She is also concerned that the project has gone from a single-storey to a two-storey building.

Mayor Chorley called three times for anyone who wishes to speak against the development.

Mayor Chorley provided the applicant with an opportunity to provide brief summary comments.

Stephen McMackin stated that since 2016, St. Paul's Church has looked at developing the property into something that was needed in the community. He said they spent a lot of time understanding the needs of the community and the Town's development requirements. He said the proposed development was sustainable and is a good fit to the community. He said that anytime something is constructed there are always some regrets after building things, but have put a lot of work into making these apartments accessible and useable for seniors in the community. They have tried to use best practices and feel good about the project. He said there are always issues with growing communities but that this was a good fit for the community.

Council was provided an opportunity to pose questions to staff, the applicant and any delegations in order to obtain clarity on what is being said.

Deputy Mayor Doucet stated that his biggest concern is making sure the access is safe. He said that it is a blind knoll and he has issues coming out of his own driveway. He said that he and his wife are not opposed to it but they are concerned that the project went from one story to two.

Mayor Chorley asked for clarification that Deputy Mayor was speaking as a resident at that point and not as a councillor. He stated that he was.

The Building and Development Officer stated that PAC looked at access. She also noted that Andrew Toole was conducting a sight-line access which will be included in the report to PAC and that TAC rules must be followed for access. The Public Works and Utilities Commission will also review this application.

The Mayor closed the public hearing and called for a five minute recess.

The Mayor called the Regular Session of Council back to order at 8:07 pm.

7. ADOPTION OF MINUTES

7.1 Minutes of July 10, 2018

Moved by Councillor Behr and seconded by Councillor Beach that the minutes of the July 10, 2018 Regular Council Meeting be adopted.

Motion Carried

7.2 Minutes of July 25, 2018

Moved by Councillor Behr and seconded by Councillor Bond that the minutes of the July 25, 2018 Special Council Meeting be adopted.

Motion Carried

8. BUSINESS ARISING FROM MINUTES

There were none.

9. CORRESPONDENCE LIST

#	NAME	DESCRIPTON	Recommended Action
18-051	Matthew Thompson Communications Manager, the Canadian CED Network	Invitation to attend Canada's national community economic development conference, EconoUs2018 in Moncton in September,	Moved by Deputy Mayor Doucet and seconded by Councillor Beach that correspondence #18-051 be received and filed. Motion Carried
18-052	Hon. Stephen Horsman Minister, Department of Families and Children	Request to declare October 1 st to 7 th , 2018 as the 9 th annual <i>Wellness Week</i> in New Brunswick and for the Town to host an activity.	Moved by Councillor Behr and seconded by Councillor Beach that the Town of Hampton make the enclosed proclamation and that correspondence #18-052 be referred to the Leisure Services Advisory Committee. Motion Carried

18-053	Eli McNeil, Manager, Loyalist House National Historic Site	Request for donation for the renovations of Loyalist House National Historic Site	Moved by Councillor Beach and seconded by Councillor Behr that correspondence #18-053 be referred to Staff. Motion Carried
18-054	Hampton High School Football Team	Request for the Town of Hampton to waive the user fees for both fields at Dutch Point Park for August 25 th for the Hampton High School Football Team fundraiser	Blake Carleton asked for an opportunity to address Council. They agreed. Mr. Carleton said that he is the new Hampton High School Coach. He said that there is a \$9000 operating fee plus the additional cost for purchasing safety equipment. He said the team is endanger of not running this fall and that it is very expensive to restart a team so it is easier to try to save it now. He said that he has 32 kids on a list for a team and have had as many as 40 kids out this weekend. Council explained that they cannot set a precedent of providing complimentary facilities for one team over another. Moved by Deputy Mayor Doucet and seconded by Councillor Beach that the Town of Hampton deny the request of the Hampton High School Football Team to waive the ballfield fees for their fundraiser on August 25th. Motion Carried
18-055	Jim Cameron, Hampton Ducks Unlimited Committee	Request for silent auction donation.	Moved by Deputy Mayor Doucet and seconded by Councillor Bond that the Town of Hampton donate an auction item to the 29th Annual Hampton Ducks Unlimited Canada dinner and auction on September 8th, 2018. Motion Carried

10. APPROVAL OF ACCOUNTS

- 10.1 **Moved by Councillor Bond and seconded by Councillor Beach that the Town of Hampton approve the General and Utilities Fund Paid Invoices from July 1 to July 31, 2018 for the amount of three hundred and two thousand, nine hundred and forty-seven dollars and sixty-five cents (\$302,947.65).**

Motion Carried

11.REPORTS FROM COMMITTEES

11.1 Fire-Rescue

Councillor Bond provided an overview of the Fire-Rescue report. On behalf of Council, Mayor Chorley congratulated the Hampton Fire-Rescue Department who were awarded the New Brunswick Fire Department of the Year honours by Muscular Dystrophy Canada. This award thanks inspiring fire departments for their hard work and dedication in the fight against neuromuscular disorders. Hampton Fire-Rescue has been helping spread awareness and raise funds for Muscular Dystrophy Canada since 1977. This past year, they did their annual Fill the Boot campaign, sold raffle tickets and participated in truck pull events raising \$8034.

11.2 Tourism Subcommittee

Councillor Beach provided an overview of the Tourism Subcommittee minutes. He noted that the FAM Tour was successful. There were approximately 30 attendees with media coverage from TJ, KV Style, Arpenter le Chemin, and CNC Information Morning SJ. Freedom Tours has developed a cruise ship package based on the FAM Tour itinerary.

The Town of Hampton has developed a new Town map which was created to highlight area businesses and attractions and the first Tourism Operator Communications Newsletter was distributed electronically.

Information is being collected regarding Provincial Tourism signage for operators. This is not something that the town would fund, but the Tourism Coordinator is looking to have the Department of Transportation and Infrastructure do a Tourism Operator Information Session in the fall to discuss signage opportunities.

11.3 Leisure Services Advisory

Deputy Mayor Doucet noted that the minutes were reviewed last month. These minutes correct the attendance from the meeting.

11.4 Planning Advisory

Councillor Beach reviewed the Planning Advisory Committee minutes. He noted that the motion was included in public hearing.

11.5 RCMP Report

Council reviewed the RCMP report.

Moved by Deputy Mayor Doucet and seconded by Councillor Bond that the Town of Hampton accept the reports from the Fire-Rescue, RCMP, Tourism Subcommittee, Leisure Services Advisory and Planning Advisory Committees as submitted.

Motion Carried

12.APPROVAL OF REPORTS

12.1 Building Inspector Report

Councillor Bond provided an overview of the building inspector report.

12.2 Communications Report

The Communications Officer gave an update on Communications including some collaborative communications initiatives.

12.3 Financial Report

Council reviewed the financial report.

12.4 Dog Constable Report

Council reviewed the Dog Constable Report.

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

Motion Carried

13. READNG OF THE BY-LAWS

13.1 First Reading

Moved by Councillor Beach and seconded by Councillor Behr that the Town of Hampton approve the first reading of Town of Hampton By-law No. 211-18 A By-law to Amend Zoning By-law 190-10.

Motion Carried

Second Reading

Moved by Councillor Beach and seconded by Councillor Behr that the Town of Hampton approve the second reading of Town of Hampton By-law No. 211-18 A By-law to Amend Zoning By-law 190-10.

Motion Carried

14. NEW BUSINESS

There was none.

15. OUTSTANDING ISSUES

There was none.

16. ADJOURNMENT

There being no further business, the meeting of Council was adjourned at 8:34 p.m.

Moved by Councillor Behr that the Town of Hampton adjourn the council meeting of August 14, 2018.

Motion Carried