

CORPORATION OF THE MUNICIPALITY OF BRIGHTON
COUNCIL MEETING
April 6, 2009

The Council of the Corporation of the Municipality of Brighton met on the above date at 6:30 p.m. in the Council Chambers.

MEMBERS PRESENT: Mayor-Chris Herrington, Councillors Chuck Ward, Craig Kerr, Mike Vandertoorn and Dave Cutler

Staff Members: Ken Hurford, Director of Planning; and Helen Bryant, Administrative Assistant; Pat Johnston, Planning Assistant

Absent: Councillor Emily Rowley

1. CALL TO ORDER @ 6:30 p.m.

2 APPROVAL OF AGENDA -

RESOLUTION NO. 09-162

Moved by Craig Kerr, seconded by Mike Vandertoorn -That the Municipality of Brighton Council approves the Agenda for the April 6, 2009 Council Meeting

Carried

3 DECLARATIONS OF PECUNIARY INTERESTS & THE GENERAL NATURE THEREOF

Councillor Kerr declared a conflict in the portion dealing with Item 12.2 & 12.5 Community Events as his spouse is a member on that committee.

RESOLUTION NO. 09-163

Moved by Mike Vandertoorn, seconded by Craig Kerr -That the Municipality of Brighton Council now moves into the statutory public portion of this meeting pursuant to the Planning Act.

Carried

4 STATUTORY PUBLIC MEETING UNDER THE PLANNING ACT

1. MHBC David Mackay Planning Consultants & Jamie Tate – Tate Economic Research Inc. for CRAFT Development Corporation

The purpose of this public meeting is to provide information and request comments on two planning applications that have been submitted regarding property situated in Part of Lot 33, Concession 'B', comprised of the property with a municipal address of 129 Elizabeth Street as well as the adjacent vacant lands. The CRAFT Development Corporation has made applications for approval to permit the use of the subject lands for retail and service commercial purposes.

1. The first application is for an amendment to the Official Plan of the former Town of Brighton to change the land use designation from "Residential – Low Density" to "District Commercial".
2. The second application is for a zoning amendment to change the zoning from Agricultural Exception No. 2 (A-2) to a site specific Highway Commercial Exception Zone that would include the use of the Holding Symbol (-H).

The applicant has requested the proposed changes to permit retail and service commercial uses on the lands at 129 Elizabeth Street and the adjacent vacant property.

David Mackay presented the drawings showing where the development would be situated on the property.

Jamie Tate indicated the development should not have any negative impact on the downtown core.

Mimi Ward of Malone Given Parsons Ltd. and Garry Pappin Sr. Project Manager – Traffic Impact Study of AECOM – Municipal Peer Review Consultants

Mimi Ward stated:

1. Mr. Tate's report meets the Official Plan for the market and impact study stating this would not jeopardize the core area
2. Ms. Ward recommends caps for the project size

3. Recommends caps for components

For Phase 11 of the development

1. Ms. Ward recommends timing control – recommends not before January 2012
2. Recommends minimum retail size
3. Recommends high regard to urban design.

Garry Pappin stated:

1. The methodology follows the typical standard but didn't go far enough
2. Elizabeth Street should be widened in the westbound lane

The following deputations appeared before council in opposition:

Dominique Tessier - 146 Elizabeth St

John Rundle - 144 Elizabeth St

Irene McSpadden – 125 Elizabeth St

Mr. Savage

Jain Zhang

David Green – 16 Lockwood Dr

Joan Smith – 148 Elizabeth St

The following deputations appeared before council in favour:

Darwin Sucie – 162 Elizabeth St

Other deputations:

Peter Alker – Prince Edward St.

- Inquired if the transportation study was done in the downtown core?
- Mr. Pappin responded that the study was done from John St to Pinnacle St. only no impact study was done on the downtown

Leo Palozzi, TDL Group, Project Mgr Tim Horton's addressed Council re:

- Traffic concerns and lighting

Members of Council commented:

Councillor Brian Ostrander

- The traffic concerns will be forwarded to the PSB
- lighting pollution
- historic urban design issues

Councillor Dave Cutler

- Landscaping issues
- Parking lot
- Direct walkway

Councillor Craig Kerr

- Home and Auto Category of the Marketing Study – Home Hardware would be into head to head competition with Canadian Tire. How were they compared in the study?

Jamie Tate – CRAFT

- There is opportunity for the 2 stores to co exist
- Shift in merchandising – smaller store could focus on the customer

Councillor Craig Kerr

- Traffic study - volume of trucks

Garry Pappin – Mun. Peer Review Consultant

- Site traffic was done in the afternoons and Saturday peak hours

David Mackay – CRAFT

- Traffic issues will be provided to Ken Hurford

Councillor Mike Vandertoorn

- Pedestrian traffic safety

Mayor Christine Herrington

- Noise issues
- walkway

David Mackay – CRAFT

- Provide screening should be behind the building
- Roof top screening
- Noise study
- Address lighting issues
- Will address landscaping
- Will work with staff and council on issues raised

RESOLUTION NO. 09-164

Moved by Brian Ostrander, seconded by Chuck Ward -That the Municipality of Brighton Council now closes the statutory public portion of this meeting pursuant to the Planning Act and move into regular business.

Carried

5. APPROVAL OF COUNCIL MINUTES

1. Council Minutes of March 16, 2009

RESOLUTION NO. 09-165

Moved by Chuck Ward, seconded by Dave Cutler -That the Municipality of Brighton Council approves the minutes of the Council Meeting of March 16, 2009

Carried

2. Special Council Minutes of March 27, 2009

RESOLUTION NO. 09-166

Moved by Dave Cutler, seconded by Chuck Ward -That the Municipality of Brighton Council approves the minutes of the Special Council Meeting of March 27, 2009

Carried

6. PLANNING ISSUES

1. By-Law 018-2009 – Carlaw Holdings Ltd. Site Plan Agreement

RESOLUTION NO. 09-167

Moved by Dave Cutler, seconded by Chuck Ward -That the Municipality of Brighton Council gives By-Law 018-2009 its first, second and third reading and finally passed this date:

BEING A BY-LAW TO AUTHORIZE THE MAYOR AND THE CLERK TO EXECUTE A SITE PLAN AGREEMENT BETWEEN THE CORPORATION OF THE MUNICIPALITY OF BRIGHTON AND CARLAW HOLDINGS LTD. REGARDING AN INDUSTRIAL DEVELOPMENT TO BE SITUATED IN PART OF LOT 35, CONC. "B" BEING PARTS 3 AND 4 ON PLAN 39R-5821 IN THE FORMER TOWN OF BRIGHTON NOW IN THE MUNICIPALITY OF BRIGHTON

Carried

7. DELEGATIONS - NONE

8. STAFF UPDATES - NONE

9. MEMBER REPORTS

1. Mayor Herrington re: Brighton Public School

RESOLUTION NO. 09-168

Moved by Brian Ostrander, seconded by Dave Cutler -That the Municipality of Brighton Council receive the report from the Mayor regarding the replacement of Brighton Public School and that Council request that the Brighton Public Library Board provide Council with its long term plan and future needs for consideration

Carried

2. Mayor Herrington re: Northumberland County Growth Mgmt Strategy Interim Report

RESOLUTION NO. 09-169

Moved by Chuck Ward, seconded by Dave Cutler - That the Municipality of Brighton Council receives the report from the Mayor regarding the Northumberland County Growth Management Strategy Interim Report and refer to the Brighton Growth Management Advisory Committee.

Carried

10. UNFINISHED BUSINESS - NONE

11. RESOLUTIONS & BY-LAWS

1. Approval of Accounts

RESOLUTION NO. 09-170

Moved by Mike Vandertoorn, seconded by Craig Kerr -That the Municipality of Brighton Council approves the payment of the accounts listed on the cheque listings dated April 1, 2009 for \$ 2,534,345.02 as paid.

Carried

12. REPORTS OF ADVISORY COMMITTEES OF COUNCIL

1. Heritage Advisory – Feb 11/09
2. Community Events- Mar 10/09
3. Heritage Advisory – Mar 11/09
4. Joint Meeting Council/PSB/OPP Contract Policing Mar 12/09
5. Community Events – Mar 24/09

RESOLUTION NO. 09-171

Moved by Craig Kerr, seconded by Mike Vandertoorn -That the Municipality of Brighton Council approves the report from the Heritage Advisory Committee- Feb 11/09

Carried

Councillor Craig Kerr declared a conflict of interest with this item and did not take part in the discussion nor vote on this matter.

RESOLUTION NO. 09-172

Moved by Mike Vandertoorn, seconded by Dave Cutler -That the Municipality of Brighton Council approves the report from the Community Events Committee – Mar 10/09

Carried

RESOLUTION NO. 09-173

Moved by Dave Cutler, seconded by Chuck Ward -That the Municipality of Brighton Council approves the report from the Heritage Advisory Committee – Mar 11/09

Carried

RESOLUTION NO. 09-174

Moved by Dave Cutler, seconded by Chuck Ward -That the Municipality of Brighton Council approves the report from the Joint Meeting of Council/PSB/OPP Contract Policing – Mar 12/09

Carried

Councillor Craig Kerr declared a conflict of interest with this item and did not take part in the discussion nor vote on this matter.

RESOLUTION NO. 09-175

Moved by Brian Ostrander, seconded by Dave Cutler -That the Municipality of Brighton Council approves the report from the Community Events Committee – Mar 24/09

Carried

13. REPORTS OF STATUTORY COMMITTEES, BOARDS & EXTERNAL AGENCIES

1. DBIA Minutes - Jan 7, Jan 21, Feb 4 & Mar 4/09
2. Lower Trent Source Protection & Board of Directors – Mar 12/09
3. Warkworth Institution Task Force – Nov 20/08
4. Quinte Access – Feb 26/09
5. Mt. Hope Cemetery – Feb 13/09
6. QEDC – Mar 2/09
7. County Council – Mar 4/09
8. Warkworth Institution Task Force – Mar 13/09

RESOLUTION NO. 09-176

Moved by Chuck Ward, seconded by Dave Cutler -That the Municipality of Brighton Council receives the reports of Statutory Committees, Boards and External Agencies: 1. DBIA – Jan 7th, Jan 21st, Feb 4th, and Mar 4th, 2009 2. Lower Trent Minutes & Board of Directors– Mar 12/09 3. Warkworth Institution Task Force – Nov 20/08 4. Quinte Access – Feb 26/09 5. Mt. Hope Cemetery – Feb 13/09 6. QEDC – Mar 2/09 7. County Council – Mar 4/09 8. Warkworth Institution Task Force – Mar 13/09

Carried

14. CORRESPONDENCE

1. Municipality of South Bruce – Funding shortfall from Province to Ontario's Conservations

RESOLUTION NO. 09-177

Moved by Craig Kerr, seconded by Mike Vandertoorn -That the Municipality of Brighton Council supports the Correspondence from Municipality of South Bruce requesting the following action re: Provincial Funding Shortfall to Ontario's Conservation Authorities

1. that Conservation Ontario implement and prioritize a major lobby effort against the Provincial Government and MNR to demand fair funding
2. that our MPP's support this mandate and demand the government significantly increase funding to the thirty-six Ontario Conservation Authorities

Carried

2. Ontario Association of Fire Chiefs –Resolutions of Support re: Legislation for Volunteer Firefighters

RESOLUTION NO. 09-178

Moved by Brian Ostrander, seconded by Chuck Ward -That the Municipality of Brighton Council supports the Correspondence from the Township of Otonabee-South Monaghan re: Demand for Action Volunteer Firefighters Inclusion in Presumptive Legislation Regulation:

Whereas the Ontario Provincial Government on May 3, 2007 with “all party support” passed Bill 221 the Workplace Safety and Insurance Amendment Act (Presumptions for firefighters). This legislation was passed in record time (one day) recognizing the urgent need to assist firefighters, who develop job-related cancer or sustain a heart injury, when they file a claim with the Workplace Safety and Insurance Board (WSIB)

And Whereas presented with scientific proven data the Government of Ontario implemented Regulations to immediately cover “full time” firefighters

And Whereas The Act clearly identifies the intent and allows for the inclusion in the Regulations for “Volunteer and Part Time” Firefighters

And Whereas the Liberal Government in the past two years made promise through three Ministers of Labour, the Minister of Community Safety and Correctional Services, Assistant Deputy Ministers and other levels of Government, yet has failed to deliver the inclusion Regulations for Presumptive Legislation for Volunteer and Part-Time Firefighters.

And Whereas in today's fire service of Composite Departments and Province wide emergency deployment of Mutual Aid, Full-time, Volunteer and Part-Time Firefighters work side by side every day. Volunteer and Part-time Firefighters are the backbone to the Ontario Fire Service. These brave men and women give their time and service to protect our homes, properties and families and deserve better.

And Whereas Cancer and Heart Attack does not discriminate between Full Time, Volunteer and Part Time Firefighters.

Therefore be it resolved That the Corporation of the Municipality of Brighton strongly urges that the Provincial Government take immediate action to implement Presumptive Legislative Regulations to include Volunteer and Part-Time Firefighters.

And further be it resolved that this resolution be forwarded/copied to Ontario Premier Dalton McGuinty; Minister of Labour the Honourable P. Fonseca; Minister of Community Safety and Correctional Services the Honourable R. Bartolucci; MPP Lou Rinaldi; the Leader of the Progressive Conservative Party of Ontario; the Leader of the New Democratic Party of Ontario; the Association of Municipalities of Ontario (AMO); the Fire Fighters Association of Ontario (FFAO) and the Ontario Association of Fire Chiefs (OAFC)

Carried

3. AMO – Invite to consult – Great Lakes Vision, goals & Strategies *B/F for next meeting*

RESOLUTION NO. 09-179

Moved by Craig Kerr, seconded by Mike Vandertoorn -That the Municipality of Brighton Council supports the correspondence from AMO re: sending a municipal representative to a lake meeting on Great Lakes Vision, Goals and Strategies

Carried

4. Community Care – re: Invite Council to deliver Meals on Wheels

RESOLUTION NO. 09-180

Moved by Mike Vandertoorn, seconded by Craig Kerr -That the Municipality of Brighton Council receives the correspondence from Community Care requesting Council to experience and take part in being the delivery team for Meals of Wheels

Carried

5. Quinte Access – Proclaim Saturday, June 6th as Brighton's Access Awareness Day

RESOLUTION NO. 09-181

Moved by Dave Cutler, seconded by Chuck Ward -That the Municipality of Brighton Council proclaims Saturday June 6th, 2009 as Brighton's Access Awareness Day and that this request be referred to the Accessibility Committee

Carried

15. FYI CORRESPONDENCE

1. Pitch-in Ontario – Thanks for financial support as a Patron
2. Minister of Energy and Infrastructure re: Extension for Places to Grow Act, 2005
3. AMO Alert re: PST/GST Harmonization
4. United Way – Thank You for Donation

RESOLUTION NO. 09-182

Moved by Chuck Ward, seconded by Dave Cutler -That the Municipality of Brighton Council receives the FYI Correspondence **1)** Pitch-In Ontario **2)** Minister of Energy and Infrastructure re: Extension to Municipalities for GGHGP **3)** AMO Alert re: PST/GST Harmonization **4)** United Way- Thank Your for Donation

Carried

16. QUESTION PERIOD – Residents & Press

17. IN CAMERA SESSION - NONE

18. CONFIRMATORY BY-LAW NO. 019 – 2009

RESOLUTION NO. 09-183

Moved by Chuck Ward, seconded by Dave Cutler -That the Municipality of Brighton Council gives By-Law No. 019-2009 its first, second and third reading and finally passed this date:

BEING A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL OF THE MUNICIPALITY OF BRIGHTON MEETING HELD ON APRIL 6, 2009.

Carried

19. ADJOURNMENT

RESOLUTION NO. 09-184

Moved by Brian Ostrander, seconded by Chuck Ward - THAT the meeting be adjourned, Council to meet again on April 20, 2009 or at the call of the Mayor.

Carried

Christine Herrington, Mayor

Gayle J. Frost, CAO/Clerk