

CORPORATION OF THE MUNICIPALITY OF BRIGHTON
COUNCIL MEETING
January 19, 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 Brian Ostrander, Mike Vandertoorn, Chuck Ward, Emily Rowley, Craig Kerr and Dave Cutler

Staff Members: Gayle Frost, CAO; Jim Phillips, Director of Public Works; Ken Hurford, Director of Planning; and Helen Bryant, Administrative Assistant

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

2 APPROVAL OF AGENDA -

RESOLUTION NO. 09-014

Moved by Dave Cutler, seconded by Brian Ostrander -That the Municipality of Brighton Council approves the Agenda for the January 19th, 2009 Council Meeting

Carried

3 DECLARATIONS OF PECUNIARY INTERESTS & THE GENERAL NATURE THEREOF

Mayor Herrington declared a conflict dealing with Item 11.1 Approval of Accounts and with Correspondence 14.6 as her spouse is the Livestock Valuator

Councillor Craig Kerr declared a conflict dealing with Item 12.6 Community Events as his spouse is a member of that committee.

4 STATUTORY PUBLIC MEETING UNDER THE PLANNING ACT

RESOLUTION NO. 09-015

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

Carried

File No: Z28-2008 Zoning By-law No. 004-2009

Owner: Geoff Barnard

Location: Part of Lot 35, Concession A, 181 White's Road, Brighton

Geoff Barnard submitted an application for an amendment to the Comprehensive Zoning By-law (No. 140-2002, as amended). Mr. Barnard was granted provisional consent (B26/2008) on December 2, 2008 to create a rural residential lot fronting on the south side of White's Road. The lands owned by Mr. Barnard have a total area of approximately 21.5 acres (8.7 hectares) and a lot frontage of 330 feet (100.6 metres).

The parcel to be severed would have a lot area of approximately 2.5 acres (1.0 hectares), a frontage of 165 feet (50.3 metres) and a depth of 650 feet (198.1 metres). The parcel to be retained would have an area of approximately 19.0 acres (7.68 hectares), a frontage of 165 feet (50.3 metres) and a depth of 2850 feet (868.7 metres). There is an existing dwelling and multi-use accessory building on the parcel to be severed. The parcel to be retained is currently vacant.

The subject lands are currently zoned Rural (RU) with the southern half of the property being subject to the Resource Reserve Area Overlay Zone and the area adjacent to a watercourse in the southern portion of the subject lands being subject to the Floodprone Area Overlay Zone. The proposed severed and retained parcels do not comply with the minimum lot provisions of the Rural (RU) Zone; therefore a rezoning is required for both the retained and severed parcels.

RESOLUTION NO. 09-016

Moved by Emily Rowley, seconded by Mike Vandertoorn – 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 January 5th, 2009

RESOLUTION NO. 09-017

Moved by Mike Vandertoorn, seconded by Emily Rowley- That the Municipality of Brighton Council approves the minutes of the Council Meeting of January 5th, 2009.

Carried

6. PLANNING ISSUES

1. By-Law No 004-2009

RESOLUTION NO. 09-018

Moved by Craig Kerr, seconded by Emily Rowley – That the Municipality of Brighton Council gives BY-LAW NO. 004-2009 its first, second and third reading and finally passed this date: BEING A BY-LAW TO AMEND BY-LAW NO. 140-2002, AS IT APPLIES TO CERTAIN LANDS LOCATED IN PART OF LOT 35, CONCESSION ‘A’, TO CHANGE THE ZONING FROM THE RURAL (RU) ZONE WITH RESOURCE RESERVE AREA OVERLAY ZONE AND THE FLOODPRONE AREA OVERLAY ZONE TO THE RURAL RESIDENTIAL (RR) ZONE AND THE RURAL EXCEPTION NO. 31 (RU-31) WITH THE RESOURCE RESERVE AREA OVERLAY ZONE AND THE FLOODPRONE AREA OVERLAY ZONE

Carried

7. DELEGATIONS - NONE

8. STAFF UPDATES

1. Gayle J. Frost, CAO
 - a) Emergency Plan – Head of Council or Designate

RESOLUTION NO. 09-019

Moved by Chuck Ward, seconded by Dave Cutler -That should the Head of Council be absent or unable to perform her duties under the Emergency Management Plan for the Municipality, that Councillor Vandertoorn be the first alternate appointed to exercise the powers and perform the duties of the Head of Council during her absence or inability to act; and That Councillor Brian Ostrander be the second alternate appointed to exercise the powers and perform the duties of the Head of Council should both the Mayor and Councillor Vandertoorn be absent or unable to perform their duties.

Carried

2. Jim Phillips, Director of Public Works
 - a) Sale of Surplus Equipment

RESOLUTION NO. 09-020

Moved by Brian Ostrander, seconded by Chuck Ward – That the Municipality of Brighton Council accepts the bid from Reddom Excavating in the amount of \$2,351.00 for the 1986 single axle plow truck and that the revenue be placed in the Equipment reserve for future acquisitions.

Carried

- b) Request to Close a portion of an Unopened Road Allowance between Lots 2 & 3, Con 6

RESOLUTION NO. 09-021

Moved by Chuck Ward, seconded by Brian Ostrander – That the Municipality of Brighton Council receives the report from the Director of Public Works recommending passing By-Law 005-2009 to close a portion of an unopened road allowance.

Carried

9. UNFINISHED BUSINESS -

1. Idling Municipal Vehicle Policy

RESOLUTION NO. 09-022

Moved by Dave Cutler, seconded by Brian Ostrander – That the Municipality of Brighton Council approves the Idling Control Policy for Municipal Vehicles as presented by the Director of Public Works and Environmental Services.

Carried

2. Growth Management Advisory Committee

RESOLUTION NO. 09-023

Moved by Dave Cutler, seconded by Brian Ostrander – That the Council of the Municipality of Brighton re-considers Resolution 08-2147 being a motion to approve the Terms of Reference for the Growth Management Advisory Committee.

Councillor Kerr requested a recorded vote with the following results:

Dave Cutler	Yea	Brian Ostrander	Nay
Chris Herrington	Yea	Emily Rowley	Nay
Craig Kerr	Nay	Mike Vandertoorn	Yea
Chuck Ward	Yea		

Yeas 4 Nay 3

Carried

RESOLUTION NO. 09-024

Moved by Dave Cutler, seconded by Chuck Ward – That the Council of the Municipality of Brighton approves the revised Terms of Reference for the Brighton Growth Management Advisory Committee as submitted.

Councillor Cutler raised on a Point of Personal Privilege stating comments on his report made by Councillor Kerr were misleading.

Mayor Herrington ruled that Councillor Kerr continue with caution.

Councillor Kerr requested a recorded vote with the following results:

Dave Cutler	Yea	Brian Ostrander	Nay
Chris Herrington	Yea	Emily Rowley	Nay
Craig Kerr	Nay	Mike Vandertoorn	Yea
Chuck Ward	Yea		
Yeas 4		Nay 3	

Carried

RESOLUTION NO. 09-025

Moved by Mayor Herrington, seconded by Chuck Ward – That the Council of the Municipality of Brighton through the Committee of the Whole incorporate the elements of the revised Terms of Reference for the Brighton Specific Growth Management Strategy into the Official Plan process and that staff report back to the first meeting in February with a plan to enable it.

Withdrawn

RESOLUTION NO. 09-026

Moved by Mayor Herrington, seconded by Chuck Ward – That the Council of the Municipality of directs staff to prepare a report for the February Committee of the Whole on how to integrate the development of the Brighton Specific Growth Management Strategy into the Official Plan.

Carried

10. NEW BUSINESS - NONE

11. RESOLUTIONS & BY-LAWS –

1. Approval of Accounts

As Mayor Herrington declared a conflict of interest on this matter, Councillor Ostrander assumed the chair for this portion of the meeting. Mayor Herrington did not take part in the discussion or vote on the matter.

RESOLUTION NO. 09-027

Moved by Chuck Ward, seconded by Dave Cutler – That the Municipality of Brighton Council approves the payment of the accounts listed on the cheque listings dated January 12 & January 13, 2009 for \$2,091,142.04 as paid.

Carried

Mayor Herrington reassumed the chair

2. By-Law 005-2009 - To Close, Stop Up and Sell a portion of an Unopened Road Allowance

RESOLUTION NO. 09-028

Moved by Brian Ostrander, seconded by Chuck Ward – That the Municipality of Brighton Council gives BY-LAW NO. 005-2009 its first, second and third reading and finally passed this date:
BEING A BY-LAW TO STOP UP, CLOSE AND SELL A PORTION OF AN UNOPENED ROAD ALLOWANCE BETWEEN LOTS 2 AND 3, CONCESSION 6.

Carried

3. By-Law 006-2009 – Interim Tax Levy

RESOLUTION NO. 09-029

Moved by Mike Vandertoorn, seconded by Emily Rowley – That the Municipality of Brighton Council gives BY-LAW NO. 006-2009 its first, second and third reading and finally passed this date:
BEING A BY-LAW TO PROVIDE FOR AN INTERIM TAX LEVY FOR 2009 AND TO PROVIDE FOR THE PAYMENT OF TAXES AND TO PROVIDE FOR PENALTY AND INTEREST.

Carried

12. REPORTS OF ADVISORY COMMITTEES OF COUNCIL

1. Railway Committee - Oct 8/08 & Dec 16/08
2. Emergency Planning – Dec 12/08

3. BEDC – Dec 15/08
4. Civic Awards – Dec 29/08
5. Committee of the Whole – Jan 12/09
6. Community Events – Dec 9/08

RESOLUTION NO. 09-030

Moved by Mike Vandertoorn, seconded by Emily Rowley – That the Municipality of Brighton Council approves the reports of the Advisory Committees of Council: 1) Railway Committee Oct 8th & Dec 16th/08, 2) Emergency Planning Dec 12/08, 3) BEDC Dec 15/08, 4) Civic Awards – Dec 29/08 5) Committee of the Whole–Jan12/09

Carried

As Councillor Kerr declared a conflict in this matter he did not take part in the discussion or vote on the matter.

RESOLUTION NO. 09-031

Moved by Emily Rowley, seconded by Mike Vandertoorn – That the Municipality of Brighton Council approves the Community Events minutes of December 9th, 2008 and that the CAO be directed to advertise for the vacant positions on the committee and sub committee volunteers to assist with events.

Carried

13. REPORTS OF STATUTORY COMMITTEES, BOARDS & EXTERNAL AGENCIES

1. County Council – Nov 5th, Nov 19th/08
2. LTC – Dec 10/08
3. Quinte Health Care – Nov 26/08
4. Quinte Access – Nov 26/08
5. DBIA – Dec 3/08
6. Mt. Hope Cemetery – Nov 7/08
7. Northumberland County Report & By-Law re: Cty Rd 26 & Telephone Rd

RESOLUTION NO. 09-032

Moved by Craig Kerr, seconded by Emily Rowley - That the Municipality of Brighton Council receives the reports of Statutory Committees, Boards and External Agencies: 1) County Council Nov 5th & Nov 19th/08, 2) LTC Dec 10/08, 3) Quinte Health Care Nov 26/08, 4) Quinte Access Nov 26/08 5) DBIA – Dec3/08 6) Mt. Hope Cemetery – Nov 7/08 7) Northumberland County re: Cty Rd 26 & Telephone Rd.

Carried

14. CORRESPONDENCE

1. SOHO – Anna Rittwage
2. MPAC – Current Value Interpretation
3. Letter from Mr. Lyle re: Butler Creek
4. Letter from Margaret Sare re: Proposed Dog Park in Proctor Park
5. Letter from Roy & Diane Carlson re: Ban Refuse Burning in Town limits

RESOLUTION NO. 09-033

Moved by Craig Kerr, seconded by Emily Rowley - That the Municipality of Brighton Council supports the Correspondence from 1) SOHO -Anna Rittwage and 2) MPAC, Current Value Interpretation

Receive the correspondence and refers to Lower Trent: 3) Thomas Lyle re: Butler Creek

Refers to staff for a report correspondence: 4) Letter from Margaret Sare re: Proposed Dog Park in Proctor Park and 5) Letter from Roy & Diane Carlson: re Ban Refuse Burning in Town limits

Carried

6. AMO – Multi-prong approach to Infrastructure Investment

RESOLUTION NO. 09-034

Moved by Emily Rowley, seconded by Mike Vandertoorn - That the Municipality of Brighton Council supports the Correspondence from: AMO re: Multi-prong approach to infrastructure investment.

Carried

7. Percy Boom River Rats Snowmobile Club – West/East Road Allowance

RESOLUTION NO. 09-035

Moved by Brian Ostrander, seconded by Chuck Ward - That the Municipality of Brighton Council receive the Correspondence from the Percy Boom River Rats Snowmobile Club re: permission to provide for maintenance and passage of effected areas and all road allowances as mandated and governed by parent organization OFSC and the removal of boulders placed in four locations and refer to staff.

Carried

8. Letter from Peter Herrington-Livestock Valuator for the Municipality

As Mayor Herrington declared a conflict of interest on this matter, Councillor Ostrander assumed the chair for this portion of the meeting. Mayor Herrington did not take part in the discussion or vote on the matter.

RESOLUTION NO. 09-036

Moved by Chuck Ward, seconded by Dave Cutler - That the Municipality of Brighton Council supports the Correspondence from Pete Herrington re Livestock Valuator Compensation subject to budget approval.

Carried

Mayor Herrington reassumed the chair

9. Egg Farmers Ontario – buy locally

RESOLUTION NO. 09-037

Moved by Dave Cutler, seconded by Brian Ostrander - That the Municipality of Brighton Council supports the Correspondence from the Egg Farmers of Ontario:

WHEREAS the Municipality of Brighton Council supports practices that contribute to the creation of a sustainable environment;

AND WHEREAS Ontario egg farmers currently provide our community with fresh, locally produced Grade A eggs which travel from farm to table in 4 to 7 days;

AND WHEREAS Ontario egg farmers take pride in caring for their hens while offering consumers a variety of egg choice;

THEREFORE BE IT RESOLVED THAT the purchase of all Ontario eggs contributes to the creation of a sustainable environment in which consumers and farmers benefit.

Carried

15. FYI CORRESPONDENCE

1. Rotary Club of Brighton – Thank You
2. Presqu'ile Point Property Owners' Association re: Cormorants

RESOLUTION NO. 09-038

Moved by Brian Ostrander, seconded by Chuck Ward - That the Municipality of Brighton Council receives the FYI Correspondence: 1) Rotary Club of Brighton 2) Presqu'ile Point Property Owners' Association

Carried

16. MEMBER REPORTS

- Councillor Cutler served notice that he will be bringing forward a report at the February 2 Council meeting recommending that Council approach the Kawartha Pine Ridge District School Board to suggest partnering to request MPP Rinaldi and MP Norlock support applying for Provincial and/or Federal infrastructure funding to accelerate construction of the proposed new Brighton Public School. Further that the possibility of converting the existing heritage building for use as a Brighton Art, Culture and Community Centre be studied, utilizing funding from Community Futures Development or similar programs.
- Mayor Herrington stated QHC is to get a balanced budget and need to hold a Brighton public meeting stating what the options are for QHC and how it would affect our residents.

17. QUESTION PERIOD - Press & Residents

- 18. IN CAMERA SESSION** re: Personal Matters about Identifiable Individuals and a proposed or pending acquisition/sale of land for municipal purposes.

RESOLUTION NO. 09-039

Moved by Mike Vandertoorn, seconded by Emily Rowley – That the Municipality of Brighton Council moves into Closed Session regarding Personal Matters about Identifiable Individuals and a Proposed or pending acquisition/sale of land for municipal purposes.

Carried

RESOLUTION NO 09-040 was passed in closed session being a motion to move into Open Session

RESOLUTION NO. 09-041

Moved by Mike Vandertoorn, seconded by Emily Rowley – That the Municipality of Brighton Council approves the Closed Session Committee of the Whole minutes of January 12th, 2009

Carried

RESOLUTION NO. 09-042

Moved by Chuck Ward, seconded by Brian Ostrander – That the Municipality of Brighton Council approves the appointments of Elizabeth Riel, Linda Granger and April (Leslie) Cheese to the Accessibility Advisory Committee.

Carried

RESOLUTION NO. 09-043

Moved by Mike Vandertoorn, seconded by Emily Rowley – That the Municipality of Brighton Council approves the sale of the road allowance to the Plumton's at a value of \$500.00.

Carried

19. CONFIRMATORY BY-LAW NO. 007– 2009

RESOLUTION NO. 09-044

Moved by Craig Kerr, seconded by Emily Rowley - That the Municipality of Brighton Council gives By-Law No. 007-2009 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 JANUARY 19th, 2009.

Carried

20. ADJOURNMENT

RESOLUTION NO. 09-045

Moved by Emily Rowley, seconded by Mike Vandertoorn - That the meeting be adjourned at 9:05 p.m. Council to meet again on February 2nd, 2009 or at the call of the Mayor.

Christine Herrington, Mayor

Gayle J. Frost, CAO/Clerk