

CORPORATION OF THE MUNICIPALITY OF BRIGHTON
COUNCIL MEETING
September 21, 2009 at 6:30 p.m.

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

Members Present: Mayor Chris Herrington, Councillors Dave Cutler, Craig Kerr, Brian Ostrander, Emily Rowley, Mike Vandertoorn

Members Absent: Councillor Chuck Ward

Staff Members: Gayle Frost, CAO; Ken Hurford, Director of Planning; Jim Phillips, Director of Public Works and Vicki Kimmett, Deputy Clerk

1 CALL TO ORDER

2 APPROVAL OF AGENDA

Prior to approving the Agenda, Mayor Herrington requested, on behalf of Mr. John Rundle, that he be added to Agenda as a delegation under Planning Issues 6.4.

Resolution No. 2009-447

Moved by: Councillor Dave Cutler

Seconded by: Councillor Brian Ostrander

That the Municipality of Brighton Council approves the Agenda for the September 21st, 2009 Council Meeting, subject to the addition of a delegation by Mr. John Rundle under Planning Issues as Item 6.4(a).

Carried

3 DECLARATIONS OF PECUNIARY INTERESTS & THE GENERAL NATURE THEREOF

None noted.

4. STATUTORY PUBLIC MEETING PURSUANT TO THE PLANNING ACT

(a)

Resolution No. 2009-448

Moved by: Councillor Dave Cutler

Seconded by: Councillor Brian Ostrander

That Council now moves into the statutory public portion of this meeting pursuant to the Planning Act.

Carried

1. Rezoning Z07-2009 – Monika McAteer, Agent Dwayne Cummings

The purpose of the statutory public meeting is to request comments on a proposed Zoning By-Law Amendment for the following application:

File Number: Z07-2009

Owners: Monika McAteer

Agent: Dwayne Cummings from Kerry Boehme, O.L.S.

Location: Part of Lot 4, Concession 6, Guertin Road, Brighton
Roll No. 14 08 206 050 124-50

(b)

Resolution No. 2009-449

Moved by: Councillor Brian Ostrander

Seconded by: Councillor Dave Cutler

That Council now closes the statutory public portion of this meeting pursuant to the Planning Act and moves into regular business.

Carried

5. ADOPTION OF COUNCIL MINUTES

1. Council Minutes – September 8, 2009

Resolution No. 2009-450

Moved by: Councillor Mike Vandertoorn

Seconded by: Councillor Emily Rowley

That the Municipality of Brighton Council approves the minutes of the Council Meeting of September 8th, 2009 as presented.

Carried

2. Council Minutes – September 14, 2009

Prior to voting on the approval of these minutes, Councillor Emily Rowley stated that the spelling of a name within the minutes was incorrect and offered the correction.

Resolution No. 2009-451

Moved by: Councillor Emily Rowley

Seconded by: Councillor Mike Vandertoorn

That the Municipality of Brighton Council approves the minutes of the Council Meeting of September 14th, 2009 as corrected.

Carried

6. **PLANNING ISSUES**

1. File B09-2009, Applicants Mike & Liza Finlan

Resolution No. 2009-452

Moved by: Councillor Brian Ostrander

Seconded by: Councillor Dave Cutler

That the Municipality of Brighton Council supports the application, based on the review of the consent application, the applicable Official Plan policies, the zoning and the agency comments, and consent to application **B09-2009 is granted** subject to the following conditions:

1. That the severed and retained parcels be rezoned to a special Urban Residential Two Zone to recognize the deficient lot frontage of both parcels;
2. That all taxes on the severed and retained lots be in compliance with Municipal requirements prior to the deed being stamped; and
3. That three paper copies and a digital copy of a registerable survey and the appropriate deeds be prepared and deposited with the Municipal Clerk within one year of the granting of consent.

Carried

2. File B06-2009, B07-2009 & B08-2009, Applicant Monika McAteer

Resolution No. 2009-453

Moved by: Councillor Mike Vandertoorn

Seconded by: Councillor Craig Kerr

That the Council of the Municipality of Brighton supports the following, based on the review of the consent applications (B06-2009, B07-2009 and B08-2009), the applicable Official Plan policies, the zoning and the agency comments:

1. That applications **B06-2009, B07-2009 and B08-2009 be granted provisional consent**, each subject to the following conditions:
 - 1) That the severed parcel be rezoned to the Rural Residential (RR) Zone;
 - 2) That the retained parcel be rezoned to a special Rural Exception Zone to recognize the deficient lot frontage;
 - 3) That the Floodprone Area Zone on the retained parcel be rezoned to Environmental Protection (EP) as requested in the Lower Trent letter of September 15, 2009;
 - 4) That cash-in-lieu of parkland in the amount of \$500 be paid to the Municipality;
 - 5) That all taxes on the severed and retained parcels be in compliance with Municipal requirements prior to the deed being stamped;
 - 6) That three paper copies and a digital copy of a registerable survey and the appropriate deeds be prepared and deposited with the Municipal Clerk within one year of the granting of consent.
2. That Council adopts a zoning by-law amendment to rezone the McAteer property in Part of Lot 4, Concession 6, as follows:
 - 1) The three severed parcels to the Rural Residential (RR) Zone; and
 - 2) The retained parcel to a special exception Rural Zone to recognize the lot frontage of 67 metres (220 feet) and rezoning the Flood Prone Zone to Environmental Protection (EP) Zone.

Carried

3. By-Law 047-2009 to Amend By-Law No. 140-2002 as it applies to Z07-2009

Resolution No. 2009-454

Moved by: Councillor Emily Rowley

Seconded by: Councillor Mike Vandertoorn

That the Municipality of Brighton Council gives a By-Law its first, second and third reading and finally passed this date:

Being a By-Law under the provisions of Section 34 of the Planning Act, R.S.O., 1990, to amend By-Law no. 140-2002, as otherwise amended, of the Corporation of the Municipality of Brighton as it applies to certain lands located in Part of Lot 4, Concession 6, in the Municipality of Brighton, in the County of Northumberland, to change the zoning from the Rural (RU) zone with the floodprone area overlay zone to the Rural Residential (RR) zone, Rural Exception No. 33 (RU-33) zone and the Environmental Protection (EP) zone

Carried

4. (a) **Delegation:** Mr. John Rundle raised questions in opposition to the Craft Commercial proposal.

(b) Preliminary Planning Report: Craft Development Corporation – Commercial Proposal
(plus additional background material, numbered pages 18-108)

Resolution No. 2009-455

Moved by: Councillor Craig Kerr

Seconded by: Councillor Emily Rowley

That the Municipality of Brighton supports the following, based on the review of the planning applications, the applicable Official Plan policies, the Comprehensive Zoning By-law, the studies and reports submitted in support of the applications and the Municipal peer reviews, the agency comments and the comments submitted by the public.

Council adopts a resolution to support District Commercial development on the property situated in Part of Lot 33, Concession 'B' having a lot area of approximately 18.4 acres (7.5 hectares) and a frontage of 260 metres (860 feet) along the south side of Elizabeth Street, subject to the following:

1. That the first phase of the development include an anchor tenant with a gross floor area of up to 4,350 square metres.
2. That a maximum of three service commercial units having a gross floor area of a minimum of 230 square metres be permitted; such stores or units not to be developed until Phase 2 after January 1, 2012.
3. That a maximum of two drive-through facilities, accessory to eating establishments shall be permitted on the subject lands.
4. That all development will be subject to site plan control with particular regard to the matters set out Section 3.3.4.3 c. of the Official Plan, in order to achieve high standards of urban design recognizing the "gateway location" of this site.
5. That additional time will be required to allow the Municipality to finalize its review of the details of the development and in particular the complete set of development controls including site specific Official Plan policies and zoning regulations needed for this site.

Dave Cutler	Yea	Brian Ostrander	Yea
Mayor Chris Herrington	Yea	Emily Rowley	Yea
Craig Kerr	Yea	Mike Vandertoorn	Yea
		Chuck Ward	Absent
	Yeas	6	
	Nays	0	

Carried

7. DELEGATIONS

1. Jeanne Payne presented a petition from Gosport Residents in opposition to the Waterfront plans.

Resolution No. 2009-456

Moved by: Councillor Brian Ostrander

Seconded by: Councillor Dave Cutler

That the Municipality of Brighton Council receives the delegation from Jeanne Payne.

Carried

8. STAFF UPDATES

1. Director of Public Works & Environmental Services – Jim Phillips
 a) Tender 2009-14 – Ontario Street Pedestrian Crossing

Resolution No. 2009-457

Moved by: Councillor Brian Ostrander

Seconded by: Councillor Dave Cutler

That the Municipality of Brighton Council accepts the recommendations from G.D. Jewell Engineering Inc. to reject the tender submitted by Clearwater Structures Inc. for the construction of the Ontario Street Pedestrian Crossing and to place the funds allocated in the 2009 budget in a reserve fund for re-tendering the project in January/February 2010.

Carried

Resolution No. 2009-458

Moved by: Councillor Craig Kerr

Seconded by: Councillor Emily Rowley

That the Municipality of Brighton Council directs staff to provide a report to Council on the following matters relating to the Ontario Street Pedestrian Crossing project:

- a. The costs, procedures and timing for conducting a formal Value Analysis review of the project
- b. The feasibility, procedures and timing for tendering the project in discrete phases relating to the construction specialities required, with Public Works staff providing engineering supervision/project management for the project
- c. Recommendations for partner funding to relieve the financial burden on the Municipality.

Dave Cutler	Nay	Brian Ostrander	Yea
Mayor Chris Herrington	Yea	Emily Rowley	Yea
Craig Kerr	Yea	Mike Vandertoorn	Nay
		Chuck Ward	<i>Absent</i>
	Yeas	4	
	Nays	2	

Carried

2. Director of Planning & Development – Ken Hurford
 a) New Taxicab By-Law

Resolution No. 2009-459

Moved by: Councillor Brian Ostrander

Seconded by: Councillor Dave Cutler

That the Municipality of Brighton Council pass the new taxicab by-law to provide for the licensing, regulating and governing of owners of taxicabs and drivers of taxicabs for hire in the Municipality of Brighton.

Carried

9. **MEMBER REPORTS**

1. Councillor Dave Cutler
 - a) Infrastructure Funding Applications

Resolution No. 2009-460

Moved by: Councillor Dave Cutler
Seconded by: Councillor Brian Ostrander

That Council direct staff to prepare a report to Council covering:

1. A summary of funding applications that the Municipality has submitted under the provincial and federal government's stimulus funding programs and the results achieved.
2. Similar data for comparable communities particularly those in Northumberland and Quinte West.
3. A comparison of the population, growth rate, financial position, property tax rates, development charges and any other potentially relevant statistics of those communities with those of Brighton.

Carried

2. Councillor Craig Kerr
 - a) Water Pollution Control Plant – Ammonia Abatement Plan

Resolution No. 2009-461

Moved by: Councillor Craig Kerr
Seconded by: Councillor Emily Rowley

That Council direct staff to provide a report on the actions taken to alleviate the elevated Ammonia levels at the Water Pollution Control Plant since the staff report of October 20, 2008, the results achieved, and the recommended future actions that are designed to prevent a recurrence. The report should also address all correspondence from the MOE relating to the excess ammonia problem with specific reference to any releases from the requirement to complete an Action Plan with Schedule of Implementation identified in the October 20, 2009 report. The report is to be available at the Council meeting of October 19, 2009.

Carried

10. **UNFINISHED BUSINESS - NONE**

11. **RESOLUTIONS & BY-LAWS**

1. By-Law 048-2009 of the Municipality of Brighton *being a By-Law to authorize a Temporary Road Closure for a portion of Main Street from Prince Edward Street to Centre Street for Applefest.*

Resolution No. 2009-462

Moved by: Councillor Brian Ostrander
Seconded by: Councillor Dave Cutler

That the Municipality of Brighton Council gives a By-Law its first, second and third reading and finally passed this date:

Being a By-Law to authorize a Temporary Road Closure for a portion of Main Street from Prince Edward Street to Centre Street for Applefest.

Carried

2. By-Law 049-2009 of the Municipality of Brighton *being a By-Law to authorize the Mayor and Clerk to execute a Contribution Agreement with the Ministry of Energy and Infrastructure and the Ministry of Agriculture, food and Rural Affairs (Infrastructure Stimulus Fund) for the reconstruction of Drewery Street.*

Resolution No. 2009-463

Moved by: Councillor Brian Ostrander
Seconded by: Councillor Dave Cutler

That the Municipality of Brighton Council gives a By-Law its first, second and third reading and finally passed this date:

Being a By-Law to authorize the Mayor and Clerk to execute a Contribution Agreement with the Ministry of Energy and Infrastructure and the Ministry of Agriculture, food and Rural Affairs (Infrastructure Stimulus Fund) for the reconstruction of Drewery Street.

Carried

3. By-Law 050-2009 of the Municipality of Brighton *being a By-Law to provide for the licensing, regulating and governing of owners of Taxicabs and Drivers of Taxicabs for hire in the Municipality of Brighton.*

Resolution No. 2009-464

Moved by: Councillor Dave Cutler

Seconded by: Councillor Brian Ostrander

That the Municipality of Brighton Council gives a By-Law its first, second and third reading and finally passed this date:

Being a By-Law to provide for the licensing, regulating and governing of owners of Taxicabs and Drivers of Taxicabs for hire in the Municipality of Brighton.

Carried

12. REPORTS OF ADVISORY COMMITTEES OF COUNCIL

1. Committee of the Whole – Minutes, September 14, 2009

Resolution No. 2009-465

Moved by: Councillor Dave Cutler

Seconded by: Councillor Brian Ostrander

That the Municipality of Brighton Council approves the report of the Advisory Committee of Council: Committee of the Whole – September 14, 2009

Carried

2. Committee of the Whole *Closed Session*, September 14, 2009

Resolution No. 2009-466

Moved by: Councillor Dave Cutler

Seconded by: Councillor Brian Ostrander

That the Municipality of Brighton Council approves the report of the Advisory Committee of Council: Committee of the Whole *Closed Session* – September 14, 2009

Carried

3. Community Events Committee – Minutes September 8, 2009

Resolution No. 2009-467

Moved by: Councillor Mike Vandertoorn

Seconded by: Councillor Emily Rowley

That the Municipality of Brighton Council approves the report of the Advisory Committee of Council: Community Events Committee – September 8, 2009

Carried

13. REPORTS OF STATUTORY COMMITTEES, BOARDS & EXTERNAL AGENCIES

1. Mount Hope Cemetery Board – Minutes, June 26, 2009
2. Drinking Water Source Protection, Trent Conservation Coalition – Minutes, Meeting 20
3. Lower Trent Source Protection Authority Meeting – Minutes, Meeting #3, September 10, 2009
4. Lower Trent Conservation Authority, Board of Directors Meeting – Minutes, Meeting #7, September 10, 2009

Resolution No. 2009-468

Moved by: Councillor Emily Rowley

Seconded by: Councillor Mike Vandertoorn

That the Municipality of Brighton Council receives the reports of Statutory Committees, Boards and External Agencies:

1. Mount Hope Cemetery Board – Minutes, June 26, 2009
2. Drinking Water Source Protection – Minutes, August 19, 2009
3. Lower Trent Source Protection Authority Meeting – Minutes, September 10, 2009
4. Lower Trent Conservation Authority, Board of Directors Meeting – Minutes, Meeting 7, September 10, 2009

Carried

14. CORRESPONDENCE

1. Lupus Foundation of Ontario re: Proclamation “October is Lupus Awareness Month”

Resolution No. 2009-469

Moved by: Councillor Brian Ostrander

Seconded by: Councillor Dave Cutler

That the Municipality of Brighton Council supports the Correspondence from the Lupus Foundation of Ontario re: Proclamation of October as Lupus Awareness Month.

Carried

15. FYI CORRESPONDENCE

1. Land Use Council, letter to the Minister of Natural Resources

Resolution No. 2009-470

Moved by: Councillor Dave Cutler

Seconded by: Councillor Brian Ostrander

That the Municipality of Brighton Council receives the FYI Correspondence from the Land Use Council to the Minister of Natural Resources.

Carried

16. QUESTION PERIOD – Residents & Press

1. John Martinello questioned surface water drainage impact of the Craft proposal.
2. Bob Russell requested information on developers and site plans.
3. Peter Alker raised stormwater issues.
4. Joyce Casson (Press) requested further information on taxi fares in the new by-law.
5. Bill Tremblay (Press) requested information on the Stimulus Fund.

17. IN CAMERA SESSION

Resolution No. 2009-471

Moved by: Councillor Dave Cutler

Seconded by: Councillor Brian Ostrander

That the Municipality of Brighton Council move into Closed Session to discuss:

1. Potential property acquisition
2. Update on potential property acquisition
3. Human resources issue

Carried

18. CONFIRMATORY BY-LAW NO. 051-2009

Resolution No. 2009-473

Moved by: Councillor Emily Rowley

Seconded by: Councillor Mike Vandertoorn

That the Municipality of Brighton Council gives a By-Law 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 September 21, 2009.

Carried

19. ADJOURNMENT

Resolution No. 2009-474

Moved by: Councillor Craig Kerr

Seconded by: Councillor Emily Rowley

That the Municipality of Brighton Council meeting be adjourned at 9:10 p.m., Council to meet again on October 5th, 2009 or at the call of the Mayor.

Carried