



## REGULAR COUNCIL #24-99

Monday, July 12, 1999  
Meeting began at 7:30 p.m.

145/99

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**PRESENT:** A Regular Council meeting was held this evening with the following members present: Mayor Brian Sylvester, Councillors Chris Savard, Denis Carr, Dean Hollingsworth, Perry Lalonde, Claude Poirier, Korey Kennedy, André Rivette, Brian Lynch, and Naresh Bhargava.

**ABSENT:** Councillor Sheila Airey.

**ADMINISTRATION:** Richard Allaire, Chief Administrative Officer / Clerk, David Fielding, Assistant Chief Administrative Officer / Manager, Engineering and Environmental Services, Graham Dart, Fern Hamelin, Steve Alexander, Hilda Seguin, Roger Desjardins, Paul Fitzpatrick, Francis Lafave, Doug Green, Bonnie Ruest, Anita Roach, Gilles Ayotte, Ken Bedford, and Denise Labelle-Gélinas, Deputy Clerk / Recording Secretary.

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**INVOCATION** - Father Kevin Maloney.

**ADDITIONS / DELETIONS / CORRECTIONS** Nil

**DISCLOSURE OF INTEREST** Nil

**PRESENTATIONS** Nil

### ADOPTION OF MINUTES

It was moved by Councillors Brian Lynch and Korey Kennedy that the Committee of Council Meeting #18-99 dated June 28, 1999 be approved as presented.

Motion Carried

It was moved by Councillors Naresh Bhargava and Perry Lalonde that the Regular Meeting of Council #23-99 dated June 28, 1999 be approved as presented.

Motion Carried

## COMMITTEE OF THE WHOLE

It was moved by Councillors Chris Savard and Perry Lalonde that Council go into the Committee of the Whole and that all delegations, resolutions, communications and by-laws be referred to that Committee and that by-laws 081-1999 to 084-1999 inclusive be given first reading.

Motion Carried

### BY-LAWS - First Reading

- 081-1999 A by-law authorizing a Connecting Link Agreement with the Ministry of Transportation to improve Brookdale Avenue from the International Bridge northerly to Thirteenth Street.
- 082-1999 A by-law to amend a specific by-law, which removes certain lands from Part Lot Control on Plan 392, Heritage Place Subdivision (Subdivision File No. 214).
- 083-1999 A by-law to name and dedicate lands as Abbot Street.
- 084-1999 A by-law to name and dedicate lands as Montreal Road.

### DELEGATIONS

#### 1. St. Lawrence Environmental Action

Mr. Don Hassig, an independent member of the St. Lawrence Environmental Action Group, stood before City Council this evening to inform them and members of the public of various cancer incident studies prepared for the municipalities of Ogdensburg, Massena, Morristown, and Cornwall, all of which front the St. Lawrence Valley Area.

Mr. Hassig indicated that the National Cancer Institute had been conducting studies for a number of years. Cancer issues take about twenty years to develop and members of all noted commuities should be concerned with the elevated cancer incidents within our areas. The most prominent cancer studies surrounded cases of leukemia, bladder and non-hodgkin's lymphoma cancers.

In conclusion, Mr. Hassig informed Council that the Cancer Surveillance Program expects to make the incident results available to the public during the later part of August 1999 or early fall.

It was then moved by Councillors Naresh Bhargava and Brian Lynch that Council receive this delegation.

Motion Carried

RESOLUTIONS Nil

CONSENT Nil

## COMMUNICATIONS

### 1. Unfunded Capital Outlay

As a result of information provided to Council on June 7, 1999 it was requested that the Council address the need to finance Capital Projects approved in 1996 and 1997 totalling \$5,647,534.00. As a result of this report, Mr. Allaire provided several options to City Council for consideration.

#### Options:

1. Use un-allocated surplus from the 1998 Operating Budget (\$750,000.00).
2. Use potential tender savings from 1999.
3. Postpone certain Capital Projects (as detailed further in the report). If Council was to use this option, it should consider whether to proceed with Tender 99-T43, Reconstruction of Seventh Street, from Cumberland to York Street.
4. Use some or all of the existing reserves.
5. Reduce the 2000 Capital Budget by an amount equal to the amount necessary to fund the Unfunded Capital. (This would result in a deferral of Capital Projects.).
6. Reduce the operating budget for 2000 by an amount equal to the amount necessary to fund the Unfunded Capital. (This would result in a reduction of services.).
7. Use the Progress Fund for all or a portion of the Unfunded Capital (required "reconsideration"). (This is how the Un-financed Capital would have been originally funded.).
8. Other options as they become available.
9. Councillor Denis Carr further suggested that the Finance Department provide information on the rent agreement with Cornwall Square.

It was then moved by Councillors Chris Savard and Brian Lynch that:

- a) All the options listed above be more thoroughly reviewed this fall when more accurate financial information is made available.
- b) That, by year-end, a plan for the funding of Un-financed Capital provide for total financing of these projects by December 31, 2000.
- c) That Council does not wish to proceed to make use of some funding from the 1999 Capital Projects .

Motion Carried

### Tender 99-T43 - Reconstruction of Seventh Street from Cumberland to York Street

It was moved by Councillors André Rivette and Denis Carr that tender 99-T43 be awarded to Malyon Excavation Ltd., Cornwall, Ontario at the total bid price of \$518,217.59 being the lowest bid meeting the tender specifications.

Motion Carried

### 2. By-laws on Internet

It was moved by Councillors Perry Lalonde and Korey Kennedy that the creation of a By-law Section on our City Web Site be reviewed by the Municipal Telecommunications Committee and that a report be prepared for Council's review at the meeting of November 8, 1999 in preparation towards Budget 2000.

Motion Carried

3. **Tollgate Road Speed Reduction**

It was moved by Councillors Brian Lynch and André Rivette that, as a result of the traffic speeds along Tollgate Road in sections from Power Dam Drive to McConnell Avenue, that the speed limit on Tollgate Road between Vincent Massey Drive and McConnell Avenue remain at 60 kilometers per hour.

Motion Carried

4. **Curling Club Project Update**

It was moved by Councillors Chris Savard and Denis Carr that Council authorize Administration to proceed with the Ontario Millennium Application for the Curling Club Project; and that Council authorize the formation of a Construction Committee for the Curling Club Project.

Motion Carried

5. **Wood House (Cornwall Community) Museum Bid Proposal No. 99-R07**

It was moved by Councillors Dean Hollingsworth and Korey Kennedy that:

1. The City of Cornwall request for proposal 99-R07 be awarded to the firm Shoalts and Zaback Architects Ltd. (Kingston) at a bid price of 10% of construction cost (estimated at \$1.6 million) plus 8% of the architect's fees for disbursements, excluding GST; and
2. That the said related contract, to be drafted by the City's Finance Department, have a maximum upset limit of \$172,800.00 plus GST (\$12,096.00) totalling \$184,896.00; and
3. That a penalty clause be incorporated into the said contract which states that the milestone for the physical move of the Wood House be in 1999 and should this not be met, the contract price shall be reduced accordingly by \$17,000.00; and
4. That prior to signing by the Municipality and consultant, the said contract be reviewed and approved by the CMDC; and
5. That update reports be submitted to Council information once the consultant has been retained and commences the design phase.

Motion Carried

6. **Extension of Time Period for By-law 074-1997, being a by-law to remove Part Lot Control on Plan 392, Heritage Place Subdivision, Cornwall (Subdivision File No. 214)**

It was moved by Councillors Brian Lynch and Naresh Bhargava that By-law 074-1997 be amended by by-law 082-1999 on this evenings agenda, by changing the stated expiry date of Removal of Part Lot Control from June 10, 2000 to June 2002; and that the City Solicitor be instructed to register the subject amending by-law 082-1999 on title being more specifically for Blocks 7 to 17 inclusive, on Plan No. 392.

Motion Carried

7. **Raisin Region Conservation Authority**

As a result of a request from the Raisin Region Conservation Authority to construct a new driveway access to their Administration building located in the Gray's Creek Marina Area and which proposed driveway is to be located on City property at the northeast corner of Montreal Road and Boundary Road.

It was moved by Councillors that the City of Cornwall grant an easement to the Raisin Region Conservation Authority for the purpose of constructing a new access to their Administration building without an easement.

Motion Carried

8. **Tender 99-T44 - Lease of Fleet Vehicles**

It was moved by Councillors André Rivette and Chris Savard that this tender be awarded to Miller Hughes Ford Sales Ltd., for the seven items identified in the report dated July 5, 1999 at the total bid price of \$15,601.12 per month including all taxes (\$936,067.20 for a five year period) being the lowest bid meeting the tender specifications.

Motion Carried

9. **Probationary Firefighter**

It was moved by Councillors André Rivette and Chris Savard that City Council approve the hiring of a Probationary Firefighter.

Motion Carried

10. **Position Replacement - Safety and Staff Development Coordinator, G.S.D.L.**

It was moved by Councillors Naresh Bhargava and Perry Lalonde that the Council of the City of Cornwall authorize the Administrator of the Glen Stor Dun Lodge to replace the position of Safety and Staff Development Coordinator at the Glen Stor Dun Lodge.

Motion Carried

11. **Parenting Through Play**

It was moved by Councillors Perry Lalonde and Naresh Bhargava that City Council approve a program developed by the Richelieu Day Care staff for special needs children commencing July 5 through July 30, 1999 between the hours of 9 a.m. and 3 p.m. and authorize that the sum of \$28,100.00 be transferred from the National Child Benefit Fund to the Parenting through Play Program budget.

Motion Carried

12. **Government of Canada Funding Assistance**

It was moved by Councillors Denis Carr and Chris Savard that Council approve the redevelopment of the web site as outlined in the WEBtech proposal and that this work be funded from the funds allocated to Cornwall Economic Development by the federal government's PEMD initiative at an amount not to exceed \$15,000.00.

Motion Carried

## ADOPTION OF THE COMMITTEE OF THE WHOLE

### By-laws - Second Reading

It was moved by Councillors Denis Carr and Perry Lalonde that the Committee of the Whole be adopted as reported, and that by-laws 081-1999 to 084-1999 inclusive be given second reading.

Motion Carried

### By-laws - Third Reading

It was moved by Councillors Naresh Bhargava and André Rivette that by-law 081-1999 to 084-1999 inclusive be given third and final reading.

Motion Carried

## REPORTS FROM AD HOC COMMITTEES OF COUNCIL

### NOTICES OF MOTION

It was moved by Councillors Claude Poirier and André Rivette that Council invoke Rule 10 of the Procedural By-law to allow the Notice of Motion on this evening's agenda to be debated.

A two third's majority of the entire Council is required in order to proceed with invoking Rule 10 and the following vote took place:

	YEA	NAY
Mayor Brian Sylvester	✓	
Sheila Airey	-	-
Denis Carr	✓	
Perry Lalonde	✓	
Chris Savard	✓	
Korey Kennedy	✓	
Claude Poirier	✓	
André Rivette	✓	
Dean Hollingsworth	✓	
Brian Lynch	✓	
Naresh Bhargava	✓	
	10	0

Motion Carried

It was then moved by Councillors Korey Kennedy and Claude Poirier that:

WHEREAS, over the last year Administration has withheld pertinent information dealing with projects that affect Council's budget and financial position, such as the \$40,000 Wal-Mart soil relocation error and now the \$5.6 million unfunded capital that was not brought to Council's attention until now; and

WHEREAS Administration should always report these types of errors and information to Council as soon as possible and should not be withheld from Council's knowledge; and

WHEREAS Council has, on several occasions, told Administration to report all information or findings back to the Council; and

WHEREAS it seems to be to no avail; and

WHEREAS errors and mis-communication that Council has and will be dealing with, could lead to the possibility of Administration withholding more important information and financial costs from the Council in the past right up until the present; and

WHEREAS, back on November 13, 1996 Council had the opportunity to hire an outside independent firm that would handle the City's audit and would report solely back to Council, therefore possibly eliminating managers from withholding financial information from Council, however it was defeated 8-1. Furthermore, Council should be more cognizant and active to what goes on in the City's Financial Department and other departments, therefore working closely with the City Managers in all departments will help prevent financial errors and reduce problems like the \$5.6 million unfunded capital from arising; and

WHEREAS the City is always looking for change by implementing new, creative ways to improve and better this great City; and

WHEREAS certain members from Administration should realize that the position they have undertaken entails a great deal of responsibility and should be held accountable for any and every oversight and errors in their department and should be more creative and energetic in their thinking as change is needed and is necessary to prosper in the future.

NOW THEREFORE BE IT RESOLVED That Council:

1. Have a Provincial inquiry and/or an outside independent auditing firm, that will do a comprehensive audit for all City departments (carte blanche) over the last 10 years, and will report all findings to Council first.
2. That City's Administrative Managers be put on a six year probationary contract that will be reviewed every year and, that at the end of the term, it will be Council's discretion whether or not they wish to keep that manager on with a yearly contract thereafter, commencing as of December 2, 2001 when the new Council is elected.

3. That Council have two members of City Council appointed to every department to review with the manager of that department, their financial report and budgetary report, before each budget and six months after the budgets approval to ensure that every over-expenditure, savings, etc. is accountable and explained. To which if there are any problems, Council shall be made aware as soon as possible and take the necessary steps to correct these problems before they escalate to an uncontrollable level.

A recorded vote on the motion resulted as follows:

	YEA	NAY
Mayor Brian Sylvester		✓
Sheila Airey	-	-
Denis Carr		✓
Perry Lalonde		✓
Chris Savard		✓
Korey Kennedy	✓	
Claude Poirier		✓
André Rivette		✓
Dean Hollingsworth		✓
Brian Lynch		✓
Naresh Bhargava		✓
	1	9

Motion Defeated

## UNFINISHED BUSINESS

### NEW BUSINESS

#### 1. Comprehensive Audit

It was moved by Councillors Naresh Bhargava and André Rivette that:

WHEREAS the Council was recently informed that there is an un-financed debt of \$5.6 million on the City's books; and

WHEREAS the Administration and Auditors have not provided detailed documentation as to how this happened when the Council was advised repeatedly that the City is debt free; and



WHEREAS no management reports from the auditors have been made available for the year 1996 and 1997.

NOW THEREFORE BE IT RESOLVED That a comprehensive audit of the City's finances be conducted by an independent outside body covering the last five years. The comprehensive audit will include, but not restricted to, reviews and comments on the following:

1. Opinion if City's financial management system and practices meets the current acceptable practices and that they suggest corrections and improvements to the system.
2. Details of the 1996 and 1997 capital expenditure, Council's approval, date projects started and finished, and how these have been financed.
3. Comments on the practice of debenturing to raise funds 2 or 3 years after Council's approval.
4. Amounts and the details of the last two debenture issues, including projects covered, start and finish dates, and when were these issued.
5. Opinion on the Management Letters from the auditors for the previous years and if they highlighted unfunded liabilities.

It was then moved by Councillors Denis Carr and Brian Lynch that this matter be tabled to the August 9, 1999 Council meeting to provide Administration time to research items 2 to 5 and bring forward the information to Council.

A recorded vote on the motion to defer resulted as follows:

	YEA	NAY
Mayor Brian Sylvester	✓	
Sheila Airey	-	-
Denis Carr	✓	
Perry Lalonde	✓	
Chris Savard		✓
Korey Kennedy		✓
Claude Poirier	✓	
Andre Rivette		✓
Dean Hollingsworth		✓
Brian Lynch	✓	
Naresh Bhargava		✓
	5	5

Motion Defeated for Want of Majority

A recorded vote on the main motion resulted as follows:

	YEA	NAY
Mayor Brian Sylvester	✓	
Sheila Airey	-	-
Denis Carr		✓
Perry Lalonde	✓	
Chris Savard		✓
Korey Kennedy	✓	
Claude Poirier	✓	
Andre Rivette	✓	
Dean Hollingsworth		✓
Brian Lynch		✓
Naresh Bhargava	✓	
	6	4

Motion Carried

2. Washrooms - Guindon Park

It was moved by Councillors André Rivette and Claude Poirier that:

WHEREAS the washroom facilities in Guindon Park is the only facility off the main bike path between Lamoureux Park and Long Sault; and

WHEREAS the extension of the bike path leading to this facility was specifically built to make use of these washrooms; and

WHEREAS these facilities have been damaged by vandals over the last two years and no attempt has been made to fix the damage so the people using the bike path could use these facilities.

NOW THEREFORE BE IT RESOLVED That Administration take the necessary funds for repairs to this facility from the City's insurance reserve fund and re-open these washroom facilities for public use, and that the cost not exceed \$7000.00.

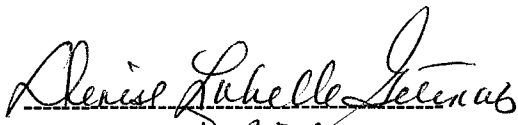
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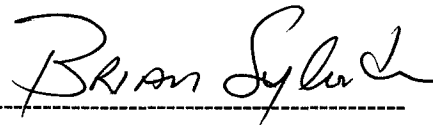
A recorded vote on the motion resulted as follows:

	YEA	NAY
Mayor Brian Sylvester	✓	
Sheila Airey	-	-
Denis Carr		✓
Perry Lalonde	✓	
Chris Savard		✓
Korey Kennedy		✓
Claude Poirier	✓	
Andre Rivette	✓	
Dean Hollingsworth		✓
Brian Lynch		✓
Naresh Bhargava		✓
	4	6

Motion Defeated

Adjournment: 10:45 p.m.

  
City Clerk *DEPUTY*

  
Mayor

  
Recording Secretary