



## REGULAR COUNCIL # 35

Monday, December 10, 2001  
Meeting began at 7:30 p.m.

**PRESENT:** A Regular Council meeting was held this evening with the following members present: Mayor Brian Sylvester, Councillors Naresh Bhargava, Denis Carr, Susan Carter, Donald Deebank, Syd Gardiner, Dean Hollingsworth, Korey Kennedy, Perry Lalonde, Claude Poirier and André Rivette

**ADMINISTRATION:** Cecil Vincent, Chief Administrative Officer; Denise Labelle-Gélinas, City Clerk; and the following Management Personnel: Stephen Alexander, Susan Cain, Barry Coleman, Debora Daigle, Graham Dart, Roger Desjardins, David Dick, David Fielding, Paul Fitzpatrick, Fernand Hamelin and Frances Lafave

Mayor Brian Sylvester called the meeting to order at 7:30 p.m.

**INVOCATION:** The Most Reverend Eugene P. LaRocque †  
- Alexandria-Cornwall Roman Catholic Diocese

### ADDITIONS/DELETIONS/CORRECTIONS

To minutes page 301-2001 (17 to the agenda) Recorded vote on deferral of Item 1 should be in the reverse order. Those for the deferral are shown under the heading "**against**" and those against the deferral are shown under the heading "**For**"; and

That Bylaw 198-2001 be deleted from this evening's agenda.

### DISCLOSURE OF INTEREST

➤ Councillor Susan Carter declared an interest regarding By-law 191-2001 "Smoking in Public Places" and By-law 192-2001 "Smoking in the Workplace" as follows:

*"Section 5(1) of the Municipal Conflict of Interest Act states: Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the council or local board at which the matter is the subject of consideration, the member, shall disclose the interest and the general nature thereof:*

In addition, the Act states that if a member is in the employment of a person or body that has a pecuniary interest in the matter, that they should declare an interest.

The Canadian Red Cross, as my employer, is identified as a charitable organization. While it holds no pecuniary interest, as a client of the Cornwall Bingo Centre, it may be perceived that my employment may, to some degree, depend upon the success of the charity in its fundraising efforts.

My understanding of By-law 191 and 192 as it relates to 100% smoke free was for the interest in common of the citizens of Cornwall where I held no particular personal interest. However, due to my employment with the Canadian Red Cross, it may be perceived that I hold a pecuniary interest and therefore, I publicly declare this interest and shall leave the room and not participate in any discussion or vote on By-laws 191 and 192 of 2001."

- Councillor Claude Poirier declared an interest regarding By-law 191-2001 "Smoking in Public Places" and By-law 192-2001 "Smoking in the Workplace", having sought and obtained legal advice that as a Manager of a licenced establishment, it would place him in a conflict of interest.

## **COMMITTEE OF THE WHOLE**

Moved by Councillors Andre Rivette and Naresh Bhargava that Council go into the Committee of the Whole and that all Minutes, Presentation, Delegation, Resolution, Consent/Correspondence, Reports and By-laws 191 to 199, 2001 with the exception of Bylaw 198-2001, be referred to that Committee; and that the agenda of the Committee of the Whole for the meeting of December 10<sup>th</sup>, 2001 be approved.

A recorded vote resulted as follows:

**For:** Councillors Naresh Bhargava, Denis Carr, Susan Carter, Don Deebank, Syd Gardiner, Dean Hollingsworth, Korey Kennedy, Perry Lalonde, Claude Poirier, André Rivette and Mayor Brian Sylvester

Motion Carried

## **GENERAL CONSENT**

### **ADOPTION OF MINUTES**

1. That the Committee of Council Meeting # 24-01 dated November 26, 2001 be approved and verified correct;
2. That the Regular Council Meeting # 34-01 dated November 26, 2001 be approved and verified correct as amended.

### **PRESENTATION**

#### **1. Glen-Stor-Dun Lodge**

Linda Geisel, Supervisor of Resident Services, and Marc Bisson, Chair of the International Year of Volunteers Steering Committee, reported on their year long activities which included:

- The Volunteer Spirit Time Capsule;
- A booth set up at the Canada Day Celebration;
- The Volunteer Rose project;
- Youth Volunteer Summit;
- Fall Volunteer Summit;
- Volunteer Legacy Book; and
- An Education Day for organizations which utilize volunteers.

In order to leave a lasting legacy to recognize and promote voluntarism in the City of Cornwall, the Committee is putting together a display case housing a copy of the proclamation, the Volunteer Legacy Book and other memorabilia. Once it is completed, this display case will grace the premises of the participating agencies from month to month until a permanent location to house it for public display is found. The Committee is asking that this tour of the display case start with City Hall in the month of January.

In conclusion, Mayor Brian Sylvester congratulated them and the International Year of the Volunteer Committee.

## **DELEGATION**

### **1. Smart City Cornwall**

Mr. Mark Smelko and facilitator Mr. Francis Lougheed provided Council with background and an update of the progress of Smart City Cornwall.

They are now in their final four months of MEST Funding. Their telecommunication projects are now recognized as one of the leading smart communication projects in Canada and gaining a reputation for innovation and community telecommunication leaderships. Their accomplishments have provided for high speed access for residential and business. Their formation of Smart Co is in working with the Province to become an area hub for Provincial network services and developing on line recognition.

Their Portal is now in a pilot stage to be released in early winter of 2002. They have developed a very good rapport and relationship with the City's IT department through the implementation of Lotus Notes and employee training.

Mr. Smelko continued in updating Council of funding initiatives. They are currently filling requests from other funding agencies for project funding. In summary, they continue to explore new avenues of working with the City to leverage IT investments.

It was moved by Councillors Denis Carr and Andre Rivette that this delegation be received.

A recorded vote resulted as follows:

**For:** Councillors Naresh Bhargava, Denis Carr, Susan Carter, Don Deebank, Syd Gardiner, Dean Hollingsworth, Corey Kennedy, Perry Lalonde, Claude Poirier, André Rivette and Mayor Brian Sylvester

Motion Carried

### **2. Recreation Advisory Committee**

Fred Carrière, Chair of the Recreational Advisory Committee provided Council with a brief overview of the Committee's upcoming projects. They expect to review the implementation of a permanent skateboard park, addressing the skateboard bylaw and introducing a "Peace Tree" to commemorate the September 11<sup>th</sup> tragedy. In addition, the Committee will be looking at a memorial to former Councillor Angelo Lebrano who was a long serving Council Member for this municipality yet also served on this Committee for many years.

Mr. Carrière indicated that he hoped that their committee could accomplish their goals with little or no funding from the municipality.

### 3. World Youth Day 2002

Marilyn Bergeron, Planning Coordinator, informed Council regarding the World Youth Day 2002 which will be held in Toronto from July 23 to 28. During the five days prior to this event, the Diocese of Alexandria-Cornwall will be hosting between 500 and 600 pilgrims from different countries. As well, the Diocese has been designated as a Transit Diocese and asked to welcome and provide accommodations and meals for several thousand pilgrims as they travel from the East and the South towards Toronto.

Mrs. Bergeron presented an eight-minute video on the event.

In conclusion, Mrs. Bergeron asked for Council's

- support in terms of signage, maps, logistical help and welcome banners, through the two appointees Mike Lalonde and Christine Lefebvre; and
- consideration of the problem of allowing young people aged 16-35 who are employed by the City during the summer months to take the week of July 22 to 26 off in order to participate in this once in a lifetime event so close to home.

It was then moved by Councillors Andre Rivette and Perry Lalonde that the City's Summer Student Hiring policy accommodate the students who wish to attend the week's ceremony in Toronto without losing their jobs.

A recorded vote on this motion resulted as follows:

**For:** Councillors Naresh Bhargava, Denis Carr, Susan Carter, Donald Deebank, Syd Gardiner, Dean Hollingsworth, Corey Kennedy, Perry Lalonde, Claude Poirier, André Rivette and Mayor Brian Sylvester

Motion Carried

### BY-LAWS

That By-laws no. 191 to 197 and 199, 2001 having been read a first time be considered as having been read a second time:

- 191-2001 A By-law respecting smoking in public places
- 192-2001 A By-law respecting smoking in the workplace
- 193-2001 A By-law to further amend By-law no. 751-1969, the Zoning By-law as amended, of the City of Cornwall, being a by-law respecting the use of land and the use and location of buildings to permit a mix of residential and office uses at 109 York Street
- 194-2001 A By-law to further amend By-law no. 057-1982 as amended, the By-law for prohibiting or regulating signs and other advertising devices and the posting of notices on buildings or vacant lots
- 195-2001 A By-law to repeal By-law No. 104, 2000, being a by-law to authorize the execution of a tax arrears extension agreement on land municipally described as 131-131A Carleton Street, pursuant to Section 8 of the Municipal Tax Sales Act, 1984, S.O. 1984, c.48
- 196-2001 A By-law to appoint Mr. Daniel Tessier as Building Inspector and By-law Enforcement Officer for the Corporation of the City of Cornwall

197-2001 A By-law to renew the lease agreement with Judy Rose, owner and operator of A Child's Secret Garden Daycare located at the Kinsmen Municipal Centre

~~ated 198-2001 A By-law to authorize the purchase of land at 3015 Vincent Massey Drive.~~

199-2001 A By-law to appoint members of Council to act from time to time in the place and stead of Head of Council for December 2001 to November 2002 inclusive.

**CONSENT / CORRESPONDENCE**

**A. Safe Street Act**

That Council receive the request from the Corporation of the Town of Laurentian Hills to endorse a resolution to petition the Provincial Government asking to amend the Safe Street Act (Bill 8) in order to allow Canadian Fire Fighters the right to conduct fundraising campaigns in locations that the general public can support such events.

**B. P.A.C. Report No. 10-1, November 19, 2001**

Review of an application for a Zoning By-law Amendment to accommodate a mix of land use being two (2) residential units and general office space including, but not limited to, a natural health care clinic and insurance adjuster on the site legally described as Part 1, Plan 52R-1948 (Lots 20 and 21, north side of First Street) and municipally known as 109 York Street, Cornwall (PAC File # 307)

That the request to rezone, on a site-specific basis, from Institutional 10 (INS 10) zone to Special Uses 20 (SPU 20) zone to permit a mix of residential and office uses at 109 York Street be approved conditional on the following:

- i) That the site be subject to Site Plan Control with emphasis on requiring a new screening fence along the south property line to replace what exists currently and limited signage size (area) of not more than 15 sq. ft. total that is not illuminated; and
- ii) That the Permits Office be consulted on the need for permits for any proposed renovations/ alterations to the structure and, that, any required permits not be issued until a complete Site Plan Control review has taken place as identified in item i).

**C. P.A.C. Report No. 10-3, November 19, 2001**

An update report by Planning staff seeking endorsement of a recommended Ministry of Municipal Affairs and Housing process to achieve final Ministerial approval of the Adopted Official Plan.

1. That Council support the suggested Ministry approval process for the Adopted Official Plan; and
2. That Planning staff proceed to implement the approval process steps, as detailed below:

- i) Meet with relevant Ministry agency representatives to determine that the comments submitted approximately five (5) years ago, are still pertinent and meet the present Consolidated Provincial Policy Statement(s) (C.P.P.S.);
- ii) City staff consolidate all changes, as identified in past documentation to P.A.C./ Council, which includes, but is not necessarily limited to, Ministry Agency comments, subsequent Official Plan Amendments since 1997, corrections of mapping/text errors/omissions, and revision to the Commercial section (i.e. removal of F.C. designation) as stated in the July 12, 2001 report to P.A.C./Council;
- iii) A public meeting be set at a subsequent P.A.C. meeting (i.e. January/February 2002) to present through a staff report, the Consolidated/Revised document and recommend the full repeal and replacement of the existing 1997 Adopted Plan. (Notice of this Public Meeting would be by newspaper in the City Page, as well as written notice to specific parties who have expressed concerns (i.e. Bill Stevenson/Gord Petch group, Chris Guest);
- iv) Assuming P.A.C. supports the staff report, as identified in # iii.) above, recommend the course of action to Council and seek endorsement by Resolution to pass a Bylaw to Repeal and Replace the 1997 Adopted Plan with a "2002" version;
- v) With a 2002 Adopted Plan, notify Ministry staff (Kingston) to proceed to consider full Ministerial approval of the Plan; and finally;
- vi) Ministry notifies the Municipality and those interested parties of the final approval, with a set (legislated) time frame for submitting appeal(s) to the OMB. At that point, it is up to interested parties to ultimately determine if they can accept the Plan, as approved, or appeal it.

#### **D. Staff Replacement - Custodian**

MWS # 36-2001 That Council approve the replacement of one Custodian position.

#### **E. Request for Replacement - One Full-Time Registered Nurse**

GSD # 09-2001 That the Council of the City of Cornwall approve the replacement of one full-time registered nurse effective November 26, 2001.

#### **F. Extension of Temporary Positions**

SSS # 32-2001 That Council support the extension of the temporary Local System Support position and the backfill of the incumbent's position with an Acting Program Supervisor position for the period of January 1, 2002 to March 31, 2002.

#### **G. Petition - Gallinger Avenue**

That the petition requesting that Gallinger Avenue between Thirteenth and Fourteenth Streets be repaired to respectable condition be received and referred to Administration for further report.

**General Consent Motion**

Moved by Councillors Andre Rivette and Claude Poirier that all items listed under the General Consent portion of this agenda be approved as presented.

A recorded vote resulted as follows:

**For:** Councillors Naresh Bhargava, Denis Carr, Don Deebank, Syd Gardiner, Dean Hollingsworth, Corey Kennedy, Perry Lalonde, André Rivette and Mayor Brian Sylvester

**Refrained:** Councillors Susan Carter and Claude Poirier

Motion Carried

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**RESOLUTIONS / BUSINESS ARISING FROM NOTICE OF MOTION**

**30-2001 CRF Funding ~ Electronic Copy of 2001 Forecast**

WHEREAS the Province of Ontario is providing the Corporation of the City of Cornwall a Community Reinvestment Fund (CRF) allocation; and

WHEREAS the intended use of the CRF allocation is to mitigate increases in property taxes; and

WHEREAS the Ministers of Finance and Municipal Affairs and Housing have requested an electronic copy of a forecast of the Year 2001 Capital fund operations (FIR Schedule 52) forms part of this resolution; and

NOW THEREFORE let it be resolved that the Corporation of the City of Cornwall has complied with the Ministers' request and has attached the electronic copy of a forecast of the 2001 Sources of Capital Fund Financing and Expenditures schedule to this resolution; and

FURTHERMORE, that this Schedule forms part of Resolution No. 030-2001 of the Council of the Corporation of the City of Cornwall.

A recorded vote resulted as follows:

**For:** Councillors Naresh Bhargava, Denis Carr, Susan Carter, Don Deebank, Syd Gardiner, Dean Hollingsworth, Corey Kennedy, Perry Lalonde, Claude Poirier, André Rivette and Mayor Brian Sylvester

Motion Carried

**31-2001 CRF Funding ~ Continuity of Reserves and Reserve Funds**

WHEREAS the Province of Ontario is providing the Corporation of the City of Cornwall a Community Reinvestment Fund (CRF) allocation; and

WHEREAS the intended use of the CRF allocation is to mitigate increases in property taxes; and

WHEREAS the Ministers of Finance and Municipal Affairs and Housing have requested an electronic copy of a forecast of the Year 2001 Continuity of Reserves and Reserve Funds schedule (FIR Schedule 60); and

NOW THEREFORE let it be resolved that the Corporation of the City of Cornwall has complied with the Ministers' request and has attached the electronic copy of a forecast of the 2001 Continuity of Reserves and Reserve Funds schedule to this resolution; and

FURTHERMORE, that this Schedule forms part of Resolution No. 031-2001 of the Council of the Corporation of the City of Cornwall.

A recorded vote on Resolution 031-2001 resulted as follows:

**For:** Councillors Naresh Bhargava, Denis Carr, Susan Carter, Don Deebank, Syd Gardiner, Dean Hollingsworth, Korey Kennedy, Perry Lalonde, Claude Poirier, André Rivette and Mayor Brian Sylvester

Motion Carried

### **32-2001 CRF Funding ~ Report of Planned Use of 2001 Allocation**

WHEREAS the Province of Ontario is providing the Corporation of the City of Cornwall a Community Reinvestment Fund (CRF) allocation; and

WHEREAS the intended use of the CRF allocation is to mitigate increases in property taxes; and

WHEREAS the Province has requested this information by July 31, 2001; and

WHEREAS the Ministers of Finance and Municipal Affairs and Housing have requested that each municipality prepare a report on the planned use of the 2001 CRF allocation; and

NOW THEREFORE let it be resolved that the Corporation of the City of Cornwall intended to use the CRF allocation in ways described in the attached schedule; and

FURTHERMORE, that this Schedule forms part of Resolution No.033 -2001 of the Council of the Corporation of the City of Cornwall.

A recorded vote resulted as follows:

**For:** Councillors Naresh Bhargava, Denis Carr, Susan Carter, Don Deebank, Syd Gardiner, Dean Hollingsworth, Korey Kennedy, Perry Lalonde, Claude Poirier, André Rivette and Mayor Brian Sylvester

Motion Carried

## **REPORTS from UNFINISHED BUSINESS**

### **1. Use of Pesticides - Unfinished Business no. 029 and no. 030**

MWS # 30-2001 Moved by Councillors Andre Rivette and Perry Lalonde that Council petition the Provincial government for a review of the Provincial Pesticides Act that will see:

- a better control on the usage of pesticides, not only by licensed professionals, but in particular by individual non-licensed persons;

- more control on the type of pesticides being sold to non-licensed persons;
- a more aggressive education program on the usage of pesticides by Ontario residents.

It was then moved by Councillors Susan Carter and Korey Kennedy that this report be deferred until such time as Administration further explore the health impacts and risks of pesticide use within the City of Cornwall, that they gather information through legislation and regulations administered through the Provincial Pesticides Act and Health professionals in order to prepare a Draft Pesticides use By-law that would address all pro's and con's on these issues for our community.

A recorded vote on the deferral resulted as follows:

**For:** Councillors Susan Carter, Korey Kennedy, Dean Hollingsworth, and Mayor Brian Sylvester

**Against:** Councillors Naresh Bhargava, Denis Carr, Don Deebank, Syd Gardiner, Perry Lalonde, Claude Poirier and André Rivette

Motion to Defer DEFEATED

A recorded vote on the main motion resulted as follows:

**For:** Councillors Naresh Bhargava, Denis Carr, Don Deebank, Syd Gardiner, Perry Lalonde, Claude Poirier, Susan Carter, Dean Hollingsworth, André Rivette and Mayor Brian Sylvester

**Against:** Councillors Korey Kennedy

Main Motion Carried

**2. Corporate Use of City Crest - Unfinished Business no. 043**

CL # 08-2001 Moved by Councillors Perry Lalonde and Claude Poirier that Council endorse the Status Quo.

A recorded vote resulted as follows:

**For:** Councillors Denis Carr, Don Deebank, Syd Gardiner, Dean Hollingsworth, Korey Kennedy, Perry Lalonde, Claude Poirier, André Rivette and Mayor Brian Sylvester

**Against:** Councillors Naresh Bhargava and Susan Carter,

Motion Carried

**3. Street Signs - Unfinished Business no. 047**

EEC # 33-2001 Moved by Councillors Claude Poirier and Don Deebank that Council receive this report.

A recorded vote resulted as follows:

**For:** Councillors Naresh Bhargava, Denis Carr, Susan Carter, Don Deebank, Syd Gardiner, Dean Hollingsworth, Korey Kennedy, Perry Lalonde, Claude Poirier, André Rivette and Mayor Brian Sylvester

Motion Carried

**4. Feasibility of a Hiring Freeze - Unfinished Business no. 049**

CS # 20-2001 Moved by Councillors Korey Kennedy and Claude Poirier that Council refer this matter to the 2002 budget deliberations.

It was then moved by Councillors Dean Hollingsworth and Syd Gardiner that this report be deferred until Administration speak with all Collective bargaining units.

A recorded vote on the deferral resulted as follows:

**For:** Councillors Susan Carter, Dean Hollingsworth and Syd Gardiner  
**Against:** Councillors Naresh Bhargava, Denis Carr, Don Deebank, Korey Kennedy, Perry Lalonde, Claude Poirier, André Rivette and Mayor Brian Sylvester  
Motion to Defer DEFEATED

A recorded vote on the main motion resulted as follows:

**For:** Councillors Naresh Bhargava, Denis Carr, Don Deebank, Korey Kennedy, Perry Lalonde, Claude Poirier, André Rivette and Mayor Brian Sylvester  
**Against:** Councillors Susan Carter, Dean Hollingsworth and Syd Gardiner  
Main Motion Carried

## 5. Landfill Site Gas / Ecogenex Proposal

EEC # 31-2001 Moved by Councillors Don Deebank and Andre Rivette that City Council adopt Option 2, as outlined in this report and that Administration contact the cities of Niagara and Kitchener/Waterloo to request assistance in the preparation of Terms of Reference.

It was then moved by Councillors Naresh Bhargava and Dean Hollingsworth that this report be deferred until such time as Administration complete its investigation with other cities who have previously proceeded with this type of venture and that they prepare terms of reference

A recorded vote on the deferral resulted as follows:

**For:** Councillors Perry Lalonde, Claude Poirier Dean Hollingsworth, and Naresh Bhargava  
**Against:** Councillors Denis Carr, Susan Carter, Don Deebank, Syd Gardiner, Korey Kennedy, André Rivette and Mayor Brian Sylvester  
Motion to DEFER Defeated

A recorded vote on the main motion resulted as follows:

**For:** Councillors Denis Carr, Susan Carter, Don Deebank, Syd Gardiner, Korey Kennedy, André Rivette, Naresh Bhargava, Perry Lalonde, Claude Poirier Dean Hollingsworth and Mayor Brian Sylvester  
Main Motion CARRIED

## COMMUNICATIONS/REPORTS

### 1. Lamoureux Park Washrooms - Carryover to 2002

PHS # 33-2001 Moved by Councillors Andre Rivette and Claude Poirier that Council approve the carryover of the Waterfront funding for the Lamoureux Park washrooms to 2002.

A recorded vote resulted as follows:

**For:** Councillors Naresh Bhargava, Denis Carr, Susan Carter, Don Deebank, Syd Gardiner, Korey Kennedy, Perry Lalonde, André Rivette and Mayor Brian Sylvester  
**Against:** Councillors Claude Poirier, Dean Hollingsworth,

Motion Carried

**TENDER and REQUEST FOR PROPOSAL BLOCK**

Moved by Councillors Denis Carr and Naresh Bhargava that Council adopt the tenders and request for proposal listed within this block:

➡ **Tender No. 01-T65 - Supply of Topsoil**

That Tender 01-T65 be awarded for a two (2) year period to Cornwall Gravel Company Ltd., Cornwall, Ontario, at the total bid price of \$13.94 per cubic metre being the lowest bid meeting the tender specifications.

➡ **Tender No. 01-T70 - Tractor Backhoe with Operator**

That Tender 01-T70 be awarded as follows, being the low bids meeting the tender specifications:

Item 1 - Waterworks	Scott Cain Excavation at a rate of \$32.00 per hr.
Item 2 - Sewers	Hec's Tree & Backhoe at a rate of \$37.90 per hr.
Item 3 - Roads	Scott Cain Excavation at a rate of \$32.00. per hr.

On an "as required" basis in the order noted.

Item 1A - Waterworks	Hec's Tree & Backhoe at a rate of \$44.00 per hr. Malyon Excavation at a rate of \$45.00 per hr.
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Item 2A - Sewers	Hec's Tree & Backhoe at a rate of \$44.00 per hr. Malyon Excavation at a rate of \$45.00 per hr.
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Item 3A - Roads	Bob Buiting at a rate of \$41.00 per hr. Hec's Tree & Backhoe at a rate of \$42.00 per hr. Malyon Excavation at a rate of \$45.00 per hr. Melvin Valade at a rate of \$48.00 per hr. David Brown Construction at a rate of \$50.00 per hr.
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Item 4 - Other	Hec's Tree & Backhoe at a rate of \$40.00 per hr. Bob Buiting at a rate of \$41.00 per hr. Malyon Excavation at a rate of \$45.00 per hr. Melvin Valade at a rate of \$48.00 per hr. David Brown Construction at a rate of \$50.00 per hr.
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➡ **Request for Proposal 01-R25 - HVAC System - WPP Office Area**

That R.F.P. 01-R25 be awarded to Rosedale Mechanical, Long Sault, Ontario, at the total bid price of \$18,800 (Option A and C) plus applicable taxes.

A recorded vote on the Tender and R.F.P. Block resulted as follows:

**For:** Councillors Naresh Bhargava, Denis Carr, Susan Carter, Don Deebank, Syd Gardiner, Dean Hollingsworth, Korey Kennedy, Perry Lalonde, Claude Poirier, André Rivette and Mayor Brian Sylvester

Motion Carried

**ITEMS SEPARATED FOR  
DISCUSSION**

None

**NEW BUSINESS**

**1. Eastern Ontario Health Unit - Surplus Funding**

Moved by Councillors Denis Carr and Perry Lalonde that Council support the Resolution # 194 of the Council of Prescott Russell concerning surplus funding to the EOHU as follows:

*WHEREAS the Council of the United Counties of Prescott and Russell is of the opinion that the Eastern Ontario Health Unit retains surplus funding provided by the municipalities; and*

*WHEREAS this procedure deprives the municipalities from investing funds as they deem appropriate.*

*BE IT RESOLVED that the deferred revenues for the year 2000 and the previous years appearing on the EOHU financial statements be applied on the first payments made by the United Counties of Prescott and Russell and the other municipalities, as early as the first payment for the year 2002, and that a copy of the resolution be forwarded to the United Counties of Stormont, Dundas and Glengarry and to the City of Cornwall for their support.*

A recorded vote on this motion resulted as follows:

**FOR:** Councillors Denis Carr, Susan Carter, Donald Deebank, Syd Gardiner, Dean Hollingsworth, Korey Kennedy, Perry Lalonde, Claude Poirier, André Rivette and Mayor Brian Sylvester.

**Against:** Councillor Naresh Bhargava

Motion Carried

**2. Use of Pesticides**

Moved by Councillors Korey Kennedy and Susan Carter:

WHEREAS, during the regular Council meeting of December 10, 2001, Cornwall City Council passed Administration's recommendation to petition the Provincial Government of Ontario to review the Provincial Pesticides Act; and

WHEREAS, the report from Administration did not deal with all the pertinent information towards the legalities of banning certain uses of pesticides, the health impact and risks of pesticide use, the feasibility of implementing and/or maintaining the status quo, as well

as having Administration gather all the information, laws, policies and regulations dealing with the Provincial Pesticides Act and the authority municipalities throughout Ontario have in enacting their own pesticide By-law in collaboration with the Supreme Court of Canada's decision and ruling for the Town of Hudson Quebec's Pesticide By-law, and other outstanding issues towards the possible bans.

NOW THEREFORE Be it Resolved that Cornwall City Council direct Administration to return with an in depth report dealing with the above mentioned issues in order to be better informed to assess a possible By-law on the use of Pesticides on public and private property in the municipality of Cornwall.

Furthermore Be it Resolved that the information received from the petition to the Provincial Government of Ontario passed by Council during the December 10<sup>th</sup> meeting be included in the next report; and

Furthermore be it resolved that Cornwall City Council direct administration to contact the Township of South Stormont in order to receive information on the use of pesticides, as they also have a vested interest in possibly banning the use of pesticides in their riding and throughout Canada.

A recorded vote on this motion resulted as follows:

**For:** Councillors Naresh Bhargava, Denis Carr, Susan Carter, Dean Hollingsworth, Korey Kennedy, Perry Lalonde, Claude Poirier, and Mayor Brian Sylvester

**Against:** Councillors Andre Rivette, Don Deebank and Syd Gardiner

Motion Carried

*Having previously declared an interest on By-laws 191 and 192 on this evening's agenda, Councillors Claude Poirier and Susan Carter left the Council Chambers and did not take part in any discussion or vote on this matter.*

### **BY-LAWS - Third and Final Reading**

Moved by Councillors Andre Rivette and Dean Hollingsworth that By-law 191 to 197 and By-law 199, 2001 listed on the Agenda for third reading be taken as read a third time and finally passed.

It was requested by Councillor Andre Rivette that By-laws 191 and 192 be removed from the vote to allow discussion.

Motion to approve By-law 193 to 197 and 199, 2001 was CARRIED

### ***By-law 191-2001***

It was moved by Councillor Andre Rivette and Perry Lalonde that By-law 191-2001 be amended to reflect the following amendments:

That 100% No Smoking in all public places effective May 1, 2002 with the exception of bars, bingo halls, billiard halls and private clubs;

That all bars, bingo halls, billiard halls and private club provide for 50% of their public space as unenclosed seating area permitting smoking with adequate outside ventilation until May 1, 2004 at which time a 100% smoking ban shall apply to all bars, bingo halls, billiard halls and private clubs; and

That signs indicating "health warning" and "admittance restriction" to persons 19 years of age and over be posted at all entrances; and

That all owner/operators have a choice to designate their establishment as either a bar or restaurant no later than May 1, 2002 and that they abide with all regulations surrounding their choice.

It was then moved by Councillor Korey Kennedy and Dean Hollingsworth that this matter be deferred to the January 14<sup>th</sup> meeting and that Administration provide a detailed report on the possibilities of introducing this matter as a Referendum question at the next regular municipal election of November 2003 and that answers be provided to the following questions:

- a) Has there been any contact with the Cornwall Community Police Services re: the enforcement of the proposed By-law.
- b) Has there been any contact with any business or industry or any of their associations re: smoking in the workplace and how it impacts on them.
- c) Has there been any contact with WSIB regarding smoking in the Workplace By-law.
- d) Where does one pick up the signs and how much do they cost.
- e) How many does a business have to put up.
- f) What is the penalty for non-compliance.
- g) Clarification to Definitions of By-law 191 as follows: (i) inspector, (o) Place of public assembly..."but does not include a place when used exclusively by one or more individuals for a private gathering or personal purpose or private clubs, (p) private club ..."the club must have a fixed membership list".
- h) Clarification to "GENERAL PROHIBITIONS" Section 3 (m) and (n)

A recorded vote on the deferral resulted as follows:

**For:** Councillors Denis Carr, Dean Hollingsworth, Korey Kennedy, Perry Lalonde, and André Rivette  
**Against:** Councillors Naresh Bhargava, Don Deebank, Syd Gardiner and Mayor Brian Sylvester  
**Absent:** Councillors Susan Carter and Claude Poirier

Motion to DEFER Carried

### ***By-law 192-2001***

Moved by Councillors Andre Rivette and Perry Lalonde that By-law 192-2001 be amended as follows:

That all workplaces may allow smoking in an enclosed and separated ventilated area that is no more than 25% of the total floor area and that any proprietor may choose to allow for less smoking area than the by-law allows and that designated smoking areas:

- must be fully enclosed and separately ventilated directly to the outside
- ventilated at 15 litres per second per person
- must supply fresh air at more than 90% of the exhaust rate; and

**Signage:** that "No Smoking" signs be posted and clearly visible from all parts of non-smoking sections; and  
that health warning signs be posted and clearly visible from all areas where smoking is permitted; and  
that this motion not be in contravention to any Provincial Legislation which may supersede any municipal By-law.

It was then moved by Councillors Korey Kennedy and Denis Carr that the Third Reading of By-law 192 and this amendment be deferred to the January 14<sup>th</sup> meeting and that Administration provide a detailed report on the possibilities of introducing this matter as a Referendum question at the next regular municipal election of November 2003 and that answers be provided to the following questions:

- a) within the pre-amble "employees of the City of Cornwall"
- b) under "GENERAL REGULATIONS" SECTION 5, clarify workplace, is this inside and outside
- c) clarify Section 7 ...of an old municipality
- d) clarify Section 8 sub-section (2) no inspector....

A recorded vote on the deferral resulted as follows:

**For:** Councillors Denis Carr, Korey Kennedy, Perry Lalonde, and André Rivette

**Against:** Councillors Naresh Bhargava, Don Deebank, Syd Gardiner, Dean Hollingsworth and Mayor Brian Sylvester.

**Absent:** Councillors Susan Carter and Claude Poirier

Motion to DEFER was DEFEATED

It was then moved by Councillors Korey Kennedy and Andre Rivette that the suggested amendments to By-law 192-2001 and By-law 192-2001 as presented be deferred to January 14<sup>th</sup> in order that a report be prepared on clarifications to the technicalities identified within the suggested amendment in order to allow Council a better assessment of the suggested amendment.

A recorded vote to defer the suggested amendments to Bylaw 192-2001 and Bylaw 192-2001 as presented resulted as follows:

**For:** Councillors Denis Carr, Dean Hollingsworth, Korey Kennedy, Perry Lalonde, André Rivette and Mayor Brian Sylvester

**Against:** Councillors Naresh Bhargava, Syd Gardiner and Don Deebank

**Absent:** Councillors Susan Carter and Claude Poirier

Motion to Defer Carried

## NOTICE OF MOTION

## UNFINISHED BUSINESS LISTING

## CONFIRMING BY-LAW

Moved by Councillors Don Deebank and Korey Kennedy that By-law 200-2001 being a by-law to confirm the proceedings of the Council of the Corporation of the City of Cornwall at its meeting held on Monday, December 10, 2001 having been read a first, second and third time be now taken as read and passed.

A recorded vote resulted as follows:

**For:** Councillors Naresh Bhargava, Denis Carr, Susan Carter, Don Deebank, Syd Gardiner, Dean Hollingsworth, Korey Kennedy, Perry Lalonde, Claude Poirier, André Rivette and Mayor Brian Sylvester

Motion Carried

ADJOURNMENT: 10:20 p.m.

  
Denise Labelle-Gélinas  
City Clerk

  
Brian Sylvester  
Mayor