



REGULAR COUNCIL # 01-2003

Monday, January 13, 2003
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 Susan Carter, Donald Deebank, Korey Kennedy, Syd Gardiner, Perry Lalonde, Naresh Bhargava, Claude Poirier and André Rivette.
- ABSENT:** Councillor Denis Carr and Dean Hollingsworth
- ADMINISTRATION:** Cecil Vincent, Chief Administrative Officer, Denise Labelle-Gélinas, City Clerk; and the following Management Personnel: Graham Dart, David Dick, Dave Fielding, Roger Desjardins, Fernand Hamelin, Stephen Alexander, Susan Cain, Frances Lafave, Enrique Figueredo Kamm, Heather Arthur and Debora Daigle
-

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

INVOCATION: Monseigneur Réjean G. Lebrun - Nativity Co-Cathedral

ADDITIONS / CORRECTIONS / DELETIONS:

Add: Consent Item J - Seaway Valley Crime Stoppers
Delete: Request for Proposal 02R27 - Marina 200

DISCLOSURE OF INTEREST ~ Nil

Councillor Susan Carter declared an interest on Resolution #001-2003 - Non Smoking in Public Places Bylaw due to her employment with the Canadian Red Cross Association who regularly conduct bingo's as a source of revenue.

STAFF PRESENTATIONS:

Mayor Brian Sylvester introduced two members to the Corporation's Staff.

- ☞ Mrs. Lisa Harvey is the new Emergency Management Coordinator, who began her employment with the City on Monday, January 6, 2003; and
- ☞ Mr. Morris McCormick is the new Division Manager of Environmental Services, who began his employment with the City on Monday, January 13, 2003.

COMMITTEE OF THE WHOLE

Moved by Councillors Perry Lalonde and André Rivette that Council go into the Committee of the Whole and that all Minutes, Presentation, Delegation, Resolution, Consent/Correspondence, Reports and By-laws 001 to 005, 2003 be referred to that Committee; and that the agenda of the Committee of the Whole for the meeting of January 13, 2003 be approved.

A recorded vote resulted as follows:

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

Motion Carried

GENERAL CONSENT

ADOPTION OF MINUTES

The following minutes were presented for adoption. There being no corrections noted, the minutes stand approved.

Moved by Councillors Naresh Bhargava and André Rivette

That the Regular Council Meeting # 36-2002 dated December 9, 2002 be approved and verified correct;

A recorded vote resulted as follows:

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

Motion Carried

PRESENTATION

> **Santa Claus Parade**

Mr. Jake Lamoureux, Chairman of the Santa Claus Parade stood before the Council and citizens of Cornwall, to publicly thank the Cornwall Community Police Service, represented by Chief Tony Repa and the Cornwall Public Works Service Department, represented by Mr. Richard Levac for the Committee's sincere appreciation for their continued years of outstanding contribution to the success of the annual Santa Clause Parade.

Both, Chief Repa and Richard Levac were presented with a commemorative plaque.

DELEGATIONS

1. **Eastern Ontario Health Unit**

Mrs. Heather Crowe on behalf of Lung Association - Smoking Issue

Mrs. Gaye Adams, Development Coordinator of the local Lung Association called upon Mrs. Heather Crowe to come and speak on the damaging effects of second smoke. Mrs. Crowe is a 57 year-old resident of the City of Ottawa who has never smoked a day in her life, yet spent her career working in the hospitality sector. Mrs. Crowe's message was quite clear. She indicated that although she never smoked, she was diagnosed with lung cancer in March of 2002. There is no cure and the disease is inoperable and as a result, is now dying from lung cancer due to direct exposure to second-hand smoke and held the documentation to prove her statements.

Mrs. Crowe was forward in saying that she believed the 100% smoking ban in all public establishments, including Bingo Halls, Bars and Billiard Halls is an important step towards protecting all people from the devastating effects of second-hand smoke. The hospitality sector is one of the most significant areas where workplace exposure to second-hand smoke is a serious health problem.

She urged Council members to continue forward with the 100% implementation of a non-smoking Bylaw within all public establishments in the City of Cornwall.

BY-LAWS

- 001-2003 A by-law to enter into a plan of condominium agreement with J.F. Markell Homes Limited on Part of Lots 26 and 27, north side of Water Street, east of Cumberland Street. (Resolution 04-2003)
- 002-2003 A by-law to lift one foot reserves at Orsi Community Village Subdivision, Phase 1, dedicating a number of parcels of land as a public highway an naming them Holy Cross Boulevard.
- 003-2003 A by-law to name and dedicate Part 2 of Plan 52R205 for purposes of road widening and dedicating it as a public highway and naming it Cumberland Street.
- 004-2003 A by-law to renew a Lease Agreement between Stuart Gordon In Trust for the rental of a portion of the upstairs area of 15 Second Street West for Cornwall Transit lunchroom.
- 005-2003 A Bylaw to authorize temporary borrowing until taxes are collected and other revenues are received for the current year by the municipality.

CONSENT

A. Resolution - City of Burlington

That Council endorse the resolution received from the City of Burlington requesting support from the Ministry of Transportation for proper road and ramp signage for municipalities that have 400 series highways running through their communities.

B. Resolution - City of Welland

That the resolution received from the City of Welland seeking support to petition the Minister of Municipal Affairs and Housing, to amend the Municipal Act by removing Section 217 of the existing Act and Section 133 of the Municipal Act 2001, fortification of land, be received.

C. Resolution - City of St. Catharines (separated for discussion)

D. AMO - 2003 Membership Renewal

That Council approve the membership renewal with the Association of Municipalities of Ontario (AMO) for the period of January 1, 2003 to December 31, 2003 at a total cost of \$8,086.04. (Note: 2002 membership fee = \$7,924.43)

E. FCM - 2003 Membership Renewal

That Council approve the membership renewal fee with the Federation of Canadian Municipalities for the period of April 1, 2003 to March 31, 2004 at a total cost of \$4,892.00. (Note: 2002 membership fee = \$5,077.32)

F. Staff Replacement - Employment Support Worker

That Council approve the replacement of the Employment Services Worker as requested under report SSS #01-2003 prepared by Susan Cain, Manager, Social Support Services under date of January 2, 2003.

G. Regional Municipality of Waterloo Resolution (separated for discussion)

H. Alzheimer Society of Cornwall and District

That Council proclaim the month of January 2004 as Alzheimer Awareness month within the City of Cornwall.

I. Planning Advisory Committee Report 9-1 ~ J.F. Markell Homes Draft Condominium

An application to review a Draft Plan of Condominium situated along Water Street, mid block between Bedford and Cumberland Streets. The property is legally described as Part of Lots 26 and 27, North Side of Water Street, City of Cornwall be approved as follows:

1. That the application dated November 5, 2002, from J.F. Markell Homes Ltd., for a Plan of Condominium on Part of Lots 26 and 27, North Side of Water Street, as indicated on a plan by K.L. Stidwill, O.L.S. dated November 7, 2002, be given draft approval, subject to the conditions contained in Appendix "A" to this technical report; and
2. That upon final condominium drawings being prepared by an Ontario Land Surveyor and being reviewed and confirmed, that final approval be granted to the Plan of Condominium.

J. Seaway Valley Crime Stoppers

That the month of January 2003 be proclaimed as Crime Stoppers Month within the City of Cornwall.

GENERAL CONSENT MOTION

Moved by Councillors André Rivette and Naresh Bhargava that all items listed under the General Consent portion of this agenda be adopted as amended.

A recorded vote resulted as follows:

For: Councillors Naresh Bhargava, Susan Carter, Donald Deebank, Korey Kennedy, Claude Poirier, André Rivette, Syd Gardiner, Perry Lalonde, and Mayor Brian Sylvester

Absent: Councillor Denis Carr and Dean Hollingsworth

Motion Carried

RESOLUTIONS / BUSINESS ARISING FROM NOTICE OF MOTION

Having declared a previous interest on this Resolution 001-2003, Councillor Susan Carter left the room and did not take part in the vote.

Moved by Councillors André Rivette and Claude Poirier

001-2003 NON-SMOKING IN PUBLIC PLACES BYLAW

WHEREAS City Council has been told by outside agencies that they will lose a large portion of their source of funding from bingo lottery events and will suffer financially to the point of eliminating programs if the 100% non smoking Bylaw takes effect May 1, 2003; and

WHEREAS officials from the Eastern Ontario Health Unit are not able to deliver the promise made to council specifically when they told members of City Council that if they took the first step in implementing the non smoking Bylaw, all other areas within the Health Unit jurisdiction would follow before the City of Cornwall implemented the 100% non smoking By-law on May 1, 2003; and

WHEREAS the existing non-smoking in public places Bylaw 010-2002 in the City of Cornwall is working and is far above any restriction put on businesses throughout the Eastern Ontario Health Unit jurisdiction;

NOW THEREFORE BE IT RESOLVED that the City of Cornwall not implement the 100% non-smoking in public places bylaw in bingo halls, bars and billiard halls as of May 1st, 2003 until such time as the Eastern Ontario Health Unit can persuade all municipalities under their jurisdiction to implement the same bylaw or that the province decides to implement a province wide ban in either case, would create a level playing field for all businesses in the area.

A recorded vote resulted as follows:

For: Councillors André Rivette and Perry Lalonde,

Against: Councillors Naresh Bhargava, Donald Deebank, Korey Kennedy, Syd Gardiner, Claude Poirier and Mayor Brian Sylvester

Absent: Councillor Denis Carr, Susan Carter and Dean Hollingsworth

Motion Defeated

Councillor Susan Carter returned to the ongoing meeting

Moved by Councillors Korey Kennedy and Perry Lalonde

002-2003 PRESENTATIONS AND COMMUNICATION DISCUSSIONS

WHEREAS, the Corporation of the City of Cornwall has on numerous occasions faced a shortfall of time when dealing with major internal financial issues under the heading of "presentation" or "communication"; and

WHEREAS by curtailing the discussion regarding the Corporation's financial situation, it limits Council's understanding, knowledge and discussions, therefore seriously affecting how the City's finances should best be dealt with; and

WHEREAS, without Council's full and complete knowledge and understanding of its internal finances it jeopardizes how tax dollars should best be allocated;

NOW THEREFORE BE IT RESOLVED, that whenever an item pertaining towards the City's budget or financial well being is headed under "presentation" in our open council agenda, that no additional items be addressed under "presentation or delegations " during that meeting.

It was then moved by Councillors Korey Kennedy and Perry Lalonde that this matter be referred to administration in order to prepare a detailed report for council's consideration that would provide options on Council meetings that would help in making future council meetings less lengthy and to allow for better discussions.

A recorded vote on the referral resulted as follows:

For: Councillors Naresh Bhargava, Susan Carter, Donald Deebank, Korey Kennedy, Claude Poirier, André Rivette, Syd Gardiner, Perry Lalonde and Mayor Brian Sylvester

Absent: Councillor Denis Carr and Dean Hollingsworth

Motion Carried

Moved by Councillors Claude Poirier and Perry Lalonde:

003-2003 INFRASTRUCTURE NEEDS

WHEREAS there presently exist a no debt policy to finance the City of Cornwall's capital projects; and

WHEREAS the City of Cornwall's annual infrastructure needs, surpass the money's available to fund these projects without significant tax increases or delaying of these projects;

BE IT THEREFORE RESOLVED that Administration prepare a report for Council's consideration that would outline whether the present no debt policy is sustainable. If the answer is negative;

BE IT FURTHER RESOLVED that Administration explore other options that could be available to finance the cities current and future infrastructure needs.

A recorded vote on Resolution 003-2003 resulted as follows:

For: Councillors Susan Carter, Korey Kennedy, Claude Poirier, André Rivette, and Perry Lalonde.

Against: Councillors Don Deebank, Naresh Bhargava, Syd Gardiner and Mayor Brian Sylvester

Absent: Councillor Denis Carr and Dean Hollingsworth

Motion Carried

Moved by Councillors André Rivette and Don Deebank

004-2003 J.F. MARKELL HOMES - DRAFT PLAN APPROVAL OF CONDOMINIUM

WHEREAS an application was received for Draft Plan Approval of Condominium for 16 residential units , on lands legally described as Part of Lot 26 and 27, Concession 1, City of Cornwall and located along Water Street , east of Cumberland Street; and

NOW THEREFORE the Council enacts that the application dated November 5, 2002, from Mr. John Markell to construct a condominium on Part of Lots 26 and 27, Concession 1, City of Cornwall as indicated on a plan by K. L. Stidwill, dated November 7, 2002, be given approval, subject to the satisfaction of staff and to conditions contained in Appendix "A" to the December 16, 2002 P.A.C. technical report.

A recorded vote on Resolution 004-2003 resulted as follows:

For: Councillors Naresh Bhargava, Susan Carter, Donald Deebank, Korey Kennedy, Claude Poirier, André Rivette, Syd Gardiner, Perry Lalonde, and Mayor Brian Sylvester

Absent: Councillor Denis Carr and Dean Hollingsworth

Motion Carried

REPORTS from UNFINISHED

1. City of Cornwall ~ Corporate Policy Manual

Moved by Councillors André Rivette and Perry Lalonde that Council endorse the City of Cornwall Corporate Policy Manual, that this manual be distributed to every Municipal Department within the Corporation and that every municipal employee be responsible to read, conform and subscribe to all municipal policies; and that this policy be reviewed and re-evaluated on a yearly basis.

Report CL#16-2002 prepared by Denise Labelle-Gélinas, City Clerk under date of November 14, 2002.

Motion Carried

2. Request for Funding - St. Lawrence River Institute Progress Fund

Moved by Councillors Sue Carter and Perry Lalonde

That Council support option (B) of the report as follows:

- (B) That Council determine that the request from the St. Lawrence River Institute does meet the qualifying requirements of the existing Progress Fund by-law and that Council supports an allocation of \$500,000 over a 2 year period commencing in 2003. And further, that the St. Lawrence River Institute provide for the residual ownership to vest with the City in the event of the closure of the Institute for any reason within 10 years of the date of the City's investment.

Report FI #03-2003 prepared by the David Dick, Manager, Financial Services under date of January 8, 2003.

Request for Funding - St. Lawrence River Institute Progress Fund - (Continued)

It was then moved by Councillors Korey Kennedy and Naresh Bhargava that this matter be referred to the 2003 Budget deliberations.

A recorded vote on the deferral resulted as follows:

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

Motion to Defer ~ Defeated

A recorded vote to adopt Option (B) resulted as follows:

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

Motion Carried

COMMUNICATION / /REPORTS

1. Spending Limits - Budget

Moved by Councillors Korey Kennedy and Susan Carter that Council approve the spending limits by individual departments equal to 50% of the 2002 approved budget allocation subject to the final approval of Financial Policy - Expenditure Prior to Approval of Current Budget. Report FI #01-2002 prepared by David Dick, Manager, Financial Services under date of December 20, 2002.

Motion Carried

2. Animal Control - Bylaw 112-1998 - Amendment

Moved by Councillors Don Deebank and Naresh Bhargava that Council adopt "Option #1" that would endorse a grandfathering provision to the limitation of the number of animals per household.

Report PHS #01-2003 prepared by Barry Coleman, Chief Building Official under date of January 7, 2003.

A recorded vote resulted as follows:

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

Motion Carried

3. **Economic Development Strategic Plan Implementation**

Moved by Councillors André Rivette and Susan Carter that report EDRS #01-2003 prepared by Paul Fitzpatrick, Manager of Economic Development & Recreation Services under date of January 7, 2003 be received as presented.

Motion Carried

4. **Municipal Assessor Position**

Moved by Councillors André Rivette and Claude Poirier that Council approve the position of a Municipal Assessor within the Department of Financial Services; and that the position be a full time Non-Union employee for a period of two (2) years at which time Council will review the merits of extending the contract.

Report FI #02-2003 prepared by David Dick, Manager of Financial Services under date of January 7, 2003.

A recorded vote approving the Assessor Position to full-time resulted as follows:

For: Councillors Naresh Bhargava, Susan Carter, Donald Deebank, Korey Kennedy, Claude Poirier, André Rivette, Syd Gardiner, Perry Lalonde, and Mayor Brian Sylvester

Absent: Councillor Denis Carr and Dean Hollingsworth

Motion Carried

TENDER and REQUEST FOR PROPOSAL BLOCK

Moved by Councillors Perry Lalonde and André Rivette that the tenders listed within this block be approved as follows:

① **Tender No. 02-T60 - Supply of Refuse / Waste Containers**

PS#01-2003

That Tender No. 02-T60 be awarded for a two year period to A.B. Cartage of Long Sault, as detailed the attached report being the best bid meeting the specifications.

② **Request for Proposal No. 02-R30 - SCADA/Instrumentation Maintenance Contract**

PS#02-2003

That Request for Proposal No. 02-R30 be awarded for a two year period to Rokon Systems, Gloucester, Ontario, at the total bid price of \$47,696.32 (net cost to the Corporation - \$45,913.36) being the best bid meeting the specifications.

ITEMS SEPARATED FOR DISCUSSION

Consent Items

C. Resolution - City of St. Catharines

Moved by Councillors Don Deebank and André Rivette that Council endorse a resolution from the City of St. Catharines requesting that the Provincial government disallow communities from engaging in the practice of providing financial incentives to lure medical professionals, effective immediately, and that the Provincial government begin to aggressively work towards alleviating the present medical professional shortage be received.

A recorded vote resulted as follows:

For: Councillors Naresh Bhargava, Susan Carter, Donald Deebank, Korey Kennedy, Claude Poirier, André Rivette, Syd Gardiner, Perry Lalonde and Mayor Brian Sylvester

Absent: Councillor Denis Carr and Dean Hollingsworth

Motion Carried

Consent Items

G. Regional Municipality of Waterloo Resolution

Moved by Councillors Syd Gardiner and Claude Poirier that Council endorse a proposed Resolution by the Regional Municipality of Waterloo, requesting that the Province of Ontario disband the seven (7) Intake Screening Units (ISU) and return the function to the Consolidated Municipal Service Managers (CMSMs); and further that a letter be sent to the Province, acknowledging such support as identified in report SSS #02-2003 prepared by Susan Cain, Manager of Social Support Services under date of January 3, 2003.

A recorded vote resulted as follows:

For: Councillors Naresh Bhargava, Susan Carter, Donald Deebank, Korey Kennedy, Claude Poirier, André Rivette, Syd Gardiner, Perry Lalonde and Mayor Brian Sylvester

Absent: Councillor Denis Carr and Dean Hollingsworth

Motion Carried

NEW BUSINESS

1. Smoking - Provincial issue

Moved by Councillors Claude Poirier and André Rivette:

In light of the discussion and the presentation provided to us this evening regarding the issue of smoking in public places; and

WHEREAS not all municipalities in Ontario have adopted non-smoking Bylaws creating an uneven playing field for businesses where neighboring municipalities have not adopted similar bylaws; and

WHEREAS the Ministry of Health funds local health units to promote tobacco cessation programs.

Be It Therefore resolved that the City of Cornwall urge the Minister of Health for Ontario and the Chief Medical Officer of Health, to impose a province wide smoking ban for all of Ontario. This policy would create an even playing field for all businesses in Ontario and protect all the residents of Ontario.

A recorded vote resulted as follows:

For: Councillors Naresh Bhargava, Susan Carter, Donald Deebank, Korey Kennedy,
Claude Poirier, André Rivette, Syd Gardiner, Perry Lalonde and Mayor Brian Sylvester

Absent: Councillor Denis Carr and Dean Hollingsworth

Motion Carried

PASSING OF BY-LAWS - Third and Final Reading

Moved by Councillors Claude Poirier and Perry Lalonde that Bylaws 001 to 005, 2003 inclusive, listed on the Agenda for third reading be taken as read a third time and finally passed.

A recorded vote approving Final Reading resulted as follows:

For: Councillors Naresh Bhargava, Susan Carter, Donald Deebank, Korey Kennedy,
Claude Poirier, André Rivette, Syd Gardiner, Perry Lalonde and Mayor Brian Sylvester

Absent: Councillor Denis Carr and Dean Hollingsworth

Motion Carried

NOTICE OF MOTION

Proposed by: Mayor Brian Sylvester, Seconded by Councillor Denis Carr

WHEREAS Cornwall City Council has recently adopted an economic development strategic plan; and

WHEREAS in consultation with the community, the plan has identified and Council has endorsed, the strategy of "People First" one that outlines our responsibility to keep more youth, attract families and upgrade skills and improve the quality of life for residents; and

WHEREAS "People First" also recommends that we establish an aggressive people recruitment campaign; and

WHEREAS the City's Economic Development Department, supported by HRDC and others, undertook a similar pilot project to attract individuals and families to our community; and

WHEREAS, as outlined in this report, the expected results and benefits include, but are not limited to:

- ▶ Increased number of skilled workers available to existing Cornwall businesses and to potentially newly locating businesses,
- ▶ Increased population, including families who will through their purchasing power contribute to the local economy,
- ▶ New ideas, experiences, skills and talents, that will enrich the social and cultural make up of Cornwall's population.

NOW THEREFORE BE IT RESOLVED that the City of Cornwall approach other support organizations to further develop this strategy, including specific recommendations that can be adopted to achieve the desired results.

Waterfront Development

Proposed by Councillors Naresh Bhargava and André Rivette

WHEREAS the Council has been supporting the development of Cornwall's Waterfront for the last 25 years and to date have committed many millions of dollars and the Waterfront Committee has been active in those developments for the past 14 years; and

WHEREAS the Council has been taking small steps each year to work on the plan and has developed Cornwall's Waterfront to its present state and 35 km of bike-path which is enjoyed by our citizens and the visitors; and

WHEREAS the development of the Waterfront is necessary to bring tourists and is part of the Economic Development Strategy adopted by the Council; and

WHEREAS the Council has determined that it no longer wishes to support the carryover of the washroom project to year 2003; and

WHEREAS the Committee feels that the removal of the funds negatively impacts the waterfront improvements and the long term goals endorsed by the Council.

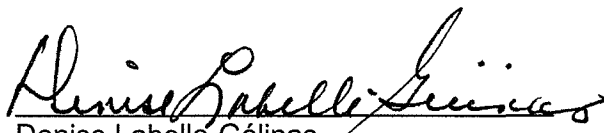
THEREFORE, Be it Resolved that the Committee continue to believe that the project is needed and requests that Council reconsider their decision to not carry forward the funds allocated to this project in 2003.

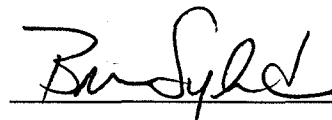
UNFINISHED BUSINESS LISTING

CONFIRMING BY-LAW

Moved by Councillors André Rivette and Naresh Bhargava that By-law 006-2003 being a by-law to confirm the proceedings of the Council of the Corporation of the City of Cornwall at its meetings held on Monday, January 13, 2003, having been read a first, second and third time be now taken as read and passed.

ADJOURNMENT: 10:00 p.m.


Denise Labelle-Gélinas
City Clerk


Brian Sylvester
Mayor