

CITY COUNCIL #27-95

September 25, 1995
7:30 p.m.
151/95

PRESENT

A regular meeting of Council was held with the following members present: His Worship, Mayor Ron Martelle, Aldermen Dick Aubry, Naresh Bhargava, Denis Carr, Susan Carter, Chuck Charlebois, Dean Hollingsworth, Brian Lynch, Claude Poirier, Chris Savard and Brian Sylvester.

IN ATTENDANCE

Mr. R. Allaire, Chief Administrator / Clerk, Mr. F. Hamelin, Assistance Chief Administrator / Manager Public Works, Steve Alexander, Paul Fitzpatrick, Natalie Fitzharris, Sherman Goodwin, Frank McDonald, Gerry McKenna, Brian Casselman, Russ Newton, Robert Hubsher, Diane Dumoulin and D.Labelle-Gélinas, Recording Secretary.

INVOCATION

Richard Allaire, Chief Administrator/Clerk.

ADDITIONS

It was moved by Aldermen Chuck Charlebois and Denis Carr that Council approve the addition of By-law 146-1995 to this evening's agenda.

MOTION CARRIED.

DISCLOSURE OF INTEREST

Alderman Claude Poirier submitted a Pecuniary Interest in reference to Consent Item "A" Canadian Diabetes, Monster Bingo, Nativity Hall, because of his employment with Nativity Hall.

PRESENTATION

#1 **SPARTA - Mr. Gilles Métivier.**

Mr. Gilles Metivier presented a small portion of SPARTA's final report, which will in turn be presented at a press conference to be held at the Cornwall Civic Complex on Monday, October 2, 1995 at 4:00 p.m. Mr. Métivier indicated that all recommendations presented in this document are to be implemented in the spirit of growth through quality, building a regional image while emphasizing each community's identity, simplification and co-ordination of services and that action be encouraged by local neighbourhoods and communities to best affect development. Mr. Métivier publicly expressed thanks to Mr. Fitzpatrick, Manager of Economic Development, Mr. Richard Allaire, Chief Administrator and Mr. Ray Lapointe, Clerk of the Three United Counties for their leadership and co-operation through the creation of this plan.

In conclusion, Mr. Métivier requested Council's support and that it actively endorse the proposed plan.

ADOPTION OF MINUTES

It was moved by Aldermen Brian Lynch and Chris Savard that the regular Council minutes of **September 11,1995** be adopted as circulated.

MOTION CARRIED

It was moved by Aldermen Chuck Charlebois and Brian Sylvester that the Committee of Council minutes of **September 11,1995** be adopted as circulated.

MOTION CARRIED

COMMITTEE OF THE WHOLE

It was moved by Aldermen Naresh Bhargava and Brian Lynch 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 142-1995 to 146-1995 inclusive be given first reading.

MOTION CARRIED

BY-LAWS - First Reading

- 142-1995 A by-law to repeal by-law #110, 1995, for a temporary closing of Pitt Street between Third Street and Fifth Street.
- 143-1995 A by-law to authorize to purchase Part 1 of Reference Plan 52R-5193 and to dedicate same as public highway, and naming it Marlborough Street.
- 144-1995 A by-law to authorize the Mayor and Clerk to enter into a Service Extension Agreement with Robert J. Bourgon to service Lots 821, 823, 825 and 827 Alexander Avenue.
- 145-1995 A by-law to amend By-law 101, 1994, being a by-law to enter into a Provincial/Municipal/Infrastructure Agreement with the Canada/Ontario Infrastructure Works Program.
- 146-1995 A by-law to authorize the Mayor and Clerk to enter into a Service Extension Agreement with Courtaulds Canada.

DELEGATIONS

#1 CANADIAN STARLIGHT PRODUCTIONS

Mr. Kevin Rivette, Marketing Co-Ordinator of the Canadian Starlight Productions introduced a concert proposal to promote the musical, dance and theatrical talents of the youth of our Community. Mr. Rivette indicated that he had received the support of the Royal Canadian Legion and Minor Baseball Association. Mr. Rivette has proposed that this concert would benefit and honour the late Mr. Brian Smith (CJOH Sportscaster) and his contributions to our Community.

In conclusion, Mr. Rivette requested Council's permission to use the City's new Coat of Arms to be printed on the concert tickets, permission to sell tickets without a permit charge and a contribution of five hundred dollars (\$500.00) to benefit the concert.

It was moved by Aldermen Dick Aubry and Brian Lynch that Council receive the report and refer all requests to Administration for a report.

MOTION CARRIED

#2 PETITION - CONSTABLE PERRY DUNLOP

Mrs. Helen Dunlop, wife and member of the Dunlop petition committee provided Council with a view of approximately 7,000 concerned citizens who have signed petitions in support of Constable Dunlop and his decision to protect children and further that no action or penalty be brought against him.

Mrs. Dunlop indicated that the petition would be presented to the Ontario Legislature later this fall requesting that no penalty or action be brought against her husband for bringing the child abuse information forward in accordance to the Child and Family Services Act (S.68 (3) and S.68 (4).

Mrs. Dunlop concluded by asking Council's support of Constable Dunlop and sending a letter to the Solicitor General.

It was then moved by Aldermen Dick Aubry and Susan Carter to receive the delegation.

MOTION CARRIED

RESOLUTIONS

#28-95

It was moved by Aldermen Susan Carter and Chris Savard that:

WHEREAS the issue of men's violence against women continues to be a serious problem in our community as well as other communities across Canada;

AND WHEREAS the White Ribbon Campaign along with other campaigns opposing violence suggest the involvement of municipal governments addresssing the problem of violence;

THE MUNICIPALITY OF THE CITY OF CORNWALL RESOLVES AS FOLLOWS:

1. That "White Ribbon Week" be proclaimed November 25th to December 2, 1995, which will signify the City of Cornwall's opposition to violence against women, children and other innocent victims of our society.

2. That municipal employees be encouraged to participate in the White Ribbon Campaign.
3. That municipal vehicles display a white ribbon during the week of November 25-December 2, 1995.
4. That a copy of this resolution be forwarded to education officials to encourage their participation in White Ribbon activities and to encourage the use of the White Ribbon Campaign in planning school-based programs.

MOTION CARRIED

CONSENT AGENDA

Having previously declared a pecuniary interest, Alderman Claude Poirier left the room and did not take part in the vote for Consent Agenda.

It was moved by Aldermen Chuck Charlebois and Naresh Bhargava that the Consent Agenda, items "A" and "B" be approved as presented.

MOTION CARRIED

A. Canadian Diabetes Association

That Council approve the request to hold a monster bingo on August 3, 1996, at Nativity Hall.

B. A.E.F.O.-SDG

That Council recognize October 5, 1995, as a Day of Recognition for the Teachers of the City of Cornwall.

COMMUNICATION

1. VOICE MAIL

It was moved by Aldermen Denis Carr and Claude Poirier that Council receive the report.

It was then moved by Aldermen Claude Poirier and Susan Carter that the initial call be answered by the Console Operator in order to properly divert the call to its proper destination and that other options be reviewed to combine the best of both systems.

MOTION CARRIED

Prior to any discussions taking place on Item #2, Adult Entertainment and Item #4, Banning Lap Dancing, Mayor Martelle vacated the Chair and requested that the Acting-Mayor Alderman Denis Carr resume in his place. Mayor Martelle sat amongst the Aldermen to debate the issue.

2. ADULT ENTERTAINMENT LOCATIONS:

a) Moved by Aldermen Susan Carter and Claude Poirier that Council, as recommended by the Official Plan Review Committee make the three existing A.E.P.'s legal non-conforming uses and permit any new A.E.P.'s in the Manufacturing 40 (MFR 40) zoned areas only, that do not front on arterial roadway.

FOR

Susan Carter
Claude Poirier

AGAINST

Mayor Martelle
Brian Sylvester
Denis Carr
Chris Savard
Chuck Charlebois
Dick Aubry
Dean Hollingsworth
Brian Lynch
Naresh Bhargava.

DEFEATED 9-2

Brian Lynch
b) It was then moved by Aldermen ~~Dean Hollingsworth~~ and Brian Sylvester that the Adult Entertainment Parlours be permitted in limited Highway Commercial areas, with a separation between such uses as houses/schools and a separation from other similar uses (1000 feet). *PS*

MOTION CARRIED

4. BANNING LAP DANCING:

It was moved by Aldermen Dick Aubry and Chuck Charlebois that the Clerk's Department and City Council review the City of Toronto's by-law and wait the Courts ruling on its validity.

It was then moved by Aldermen ~~Dean Hollingsworth~~ and ~~Brian Sylvester~~ that adult entertainment parlous be permitted in limited Highway Commercial areas, with a separation between such uses and houses/schools and a separation from other similar uses (1000 feet).

A recorded vote resulted as follows:

FOR

Mayor Martelle
Brian Sylvester
Denis Carr
Susan Carter
Chris Savard
Chuck Charlebois
Claude Poirier
Dick Aubry
Dean Hollingsworth
Brian Lynch
Naresh Bhargava

AGAINST

PS
It was then moved by Alderman Claude Poirier + Mayor Martelle that the City adopt the City of Toronto's By-law restricting lap dancing + that the By-law be amended to reflect the needs of the Corporation of the City of Cornwall.

CARRIED 11-0

[Handwritten signature]

3. **HEALTH & SAFETY**

It was moved by Aldermen Claude Poirier and Chris Savard that Council approve the revised Health & Safety Policy Effective September 26, 1995.

MOTION CARRIED

5. **LITTERING:**

It was moved by Aldermen Denis Carr and Chuck Charlebois that Council receive the report prepared by the By-law Enforcement Supervisor dated September 21, 1995.

MOTION CARRIED

6. **CORNWALL AERO MODELLERS:**

It was moved by Aldermen Denis Carr and Brian Sylvester that Council authorize administration to draft a lease for the utilization of a parcel of property located adjacent to the landfill site for their activities for the sum of \$1.00 per year.

MOTION CARRIED

7. **TENDER #54-95 - Supply & Installation of Handicap Accessible Play Structure:**

It was moved by Aldermen Naresh Bhargava and Brian Lynch that this tender be awarded to Henderson Recreation Equipment Ltd. Item 1 at the total bid price of \$35,257.73 including all taxes being the low bid meeting the tender specifications. Item 2 to Belair Recreation Products at \$3,121.20 including all taxes being the low bid meeting tender specifications.

MOTION CARRIED

8. **TENDER #55-95 - Supply of Tires for Cornwall Transit**

It was moved by Alderman Denis Carr and Chuck Charlebois that Council award the tender as detailed in the report prepared by the Manager of Cornwall Transit and the Purchasing Agent under date of September 5, 1995.

MOTION CARRIED

ADOPTION OF THE COMMITTEE OF THE WHOLE

BY-LAWS

Second Reading

It was moved by Aldermen Chuck Charlebois and Chris Savard that the Committee of the Whole be adopted as reported and that by-laws 142-1995 to 146-1995 inclusive, be given second reading.

MOTION CARRIED

BY-LAWS **Third Reading**

It was moved by Aldermen Brian Sylvester and Susan Carter that by-laws 142-1995 to 146-1995 inclusive, be taken as read a third time and finally passed.

MOTION CARRIED

REPORTS FROM AD HOC COMMITTEES OF COUNCIL

Alderman Bhargava indicated that the Economic Development Committee has been meeting on a regular basis and making good progress, however, the Committee has not made its final recommendations and will extend its expected date to November 27, 1995.

NOTICES OF MOTION

UNFINISHED BUSINESS

NEW BUSINESS

1. **Provincial Government Building (NB01/25.09.95)**

Proposed by: Alderman Brian Lynch
Seconded by: Alderman Naresh Bhargava

WHEREAS the City of Cornwall initiated discussions with the Government of Ontario for a provincial government building in Cornwall in 1987;

AND WHEREAS the Government of Ontario announced in 1990 plans for a provincial government building in downtown Cornwall;

AND WHEREAS a provincial government building will be a boost to the local economy and will help revitalize the downtown core;

THEREFORE BE IT RESOLVED that Cornwall City Council urges the Government of Ontario to proceed with the construction of a provincial government building in downtown Cornwall and that copies of the resolution be forwarded to the Premier of Ontario and Cornwall M.P.P. John Cleary.

2. CUTS IN TRANSFER PAYMENTS (NB#2-25.09.95)

Proposed by: Alderman Claude Poirier
Seconded by: Alderman Dick Aubry

WHEREAS the Government of Ontario has recently indicated that it will cut transfer payments to municipalities 20% in 1996;

AND WHEREAS these cuts will have a significant impact on the budget of the City of Cornwall;

NOW THEREFORE BE IT RESOLVED THAT the Corporation of the City of Cornwall requests the Government of Ontario to advise us formally in writing specifically the amounts and location of these cuts no later than December 1, 1995. This will permit the City of Cornwall to properly deal with these cuts prior to budget exercise.

3. SOCIAL CONTRACT (NB#3-25.09.95)

Proposed by: Alderman Claude Poirier
Seconded by: Alderman Chuck Charlebois

WHEREAS the Government of the Day has adopted the position of fiscal restraint and by way of their actions forced Municipal Government to also practice fiscal restraint, and;

WHEREAS legislation provides binding interest arbitration to those employee groups who are prohibited from striking, and;

WHEREAS the Social Contract Legislation (Bill 48) provided an avenue, allowing municipalities to achieve savings through adjustments in compensation, and;

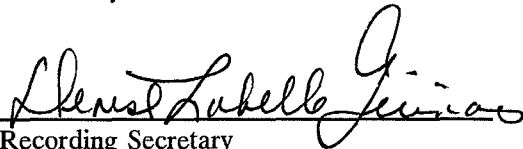
WHEREAS binding arbitration has traditionally rejected the "ability to pay" argument;

NOW THEREFORE BE IT RESOLVED THAT the Government of Ontario review and amend applicable legislation requiring that the realities of the local economy and the "ability to pay" arguments be considered when in binding arbitration awards, and;

THEREFORE BE IT RESOLVED THAT the Ontario Government issue a directive to all arbitrators that until the appropriate legislations are amended, the local economy realities and the "ability to pay" arguments be considered and that this Resolution be forwarded to the Association of Municipalities of Ontario for their support.

Adjournment: 9:10 p.m.


Clerk


Recording Secretary


Mayor