

CITY COUNCIL #06-97

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

IN ATTENDANCE: Richard Allaire, C.A.O./Clerk, Paul Fitzpatrick, Assistant C.A.O./Manager, Economic Development, Stephen Alexander, Dave Fielding, Fern Hamelin, Frank McDonald, Gerry McKenna, Kenneth Gauthier, Hilda Seguin, Graham Dart and D. Labelle-Gélinas, Recording Secretary.

INVOCATION - Rev. Brad Montsion, Fountaingate Christian Assembly.

ADDITIONS

Moved by Aldermen Claude Poirier and Brian Sylvester that a memo from His Worship Mayor Martelle with respect to Cornwall Aces Mascot be added on as Item #10 under Communications.

MOTION CARRIED

DISCLOSURE OF INTEREST

PRESENTATION

ADOPTION OF MINUTES

It was moved by Aldermen Claude Poirier and Susan Carter that the Committee of Council minutes of January 27, 1997, be adopted as circulated.

MOTION CARRIED

It was moved by Aldermen Brian Lynch and Naresh Bhargava that the Council minutes of January 27, 1997, as amended, be adopted as circulated.

MOTION CARRIED

It was moved by Aldermen Naresh Bhargava and Brian Sylvester that the Committee of Council minutes of February 5, 1997, be adopted as circulated.

MOTION CARRIED

It was moved by Aldermen Brian Lynch and Brian Sylvester that the Special Council minutes (Budget) of February 5, 1997, be adopted as circulated.

MOTION CARRIED

COMMITTEE OF THE WHOLE

It was moved by Aldermen Susan Carter and Chris Savard 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 012-1997 to 022-1997 inclusive, be given first reading.

MOTION CARRIED

BY-LAWS - First Reading

- 012-1997 A by-law to amend the Official Plan to permit the establishment on-site of a retail recreational and camping vehicle sales and service operation, including trailer and marine sales and service. (Part 18, Plan 52R-3892, lying on the east side of Brookdale Avenue, south of Highway 401).
- 013-1997 A by-law to further amend the Zoning by-law #751/69, as amended, of the City of Cornwall, being a by-law respecting the use of land and the use and location of buildings. (Part 18, Plan 52R-3892, lying on the east side of Brookdale Avenue, south of Highway 401).
- 014-1997 A by-law to authorize the City of Cornwall to enter into an Encroachment Agreement with Mr. Theodore Mazis to accommodate existing steps and aerial sign at 495 Pitt Street.
- 015-1997 A by-law to authorize the Mayor and Clerk to sign all documents with respect to Cornwall News Distributors Limited, complying with the restrictions set out in Deed No. 121401, Part of Lot A, Concession 1, being Part 2 of Reference Plan 52R-958, 840 Campbell Street.
- 016-1997 A by-law to appoint Aline Meyer and Steve Rand as Parking By-law Enforcement Officers.
- 017-1997 A by-law to change the title of "Aldermen" to "Councillor".
- 018-1997 A by-law to authorize the execution of a tax arrears extension agreement on property municipally known as 647 Fraser Avenue, pursuant to Section 8 of The Municipal Tax Sales Act, 1984, S.O. 1984, c.48.
- 019-1997 A by-law authorizing the Mayor and Clerk to sign all documents necessary to effect the sale of Block 21, Plan 399 for the consideration of \$1.00 to Cartwave Realty Limited.
- 020-1997 A by-law to authorize the Mayor and Clerk to enter into a Provincial/Municipal Infrastructure Agreement for the reconstruction of Pitt Street from Seventh Street to Ninth Street.
- 021-1997 A by-law to authorize the execution of a tax arrears extension agreement on property municipally known as 429 First St. East pursuant to Section 8 of The Municipal Tax Sales Act, 1984, S. O. 1984, c. 48
- 022-1997 A by-law to authorize the execution of a tax arrears extension agreement on property municipally known as 428 Second St. East pursuant to Section 8 of The Municipal Tax Sales Act, 1984, S.O. 1984, c. 48.

DELEGATIONS

#1 - Centre Charles-Emile Claude (Community Bus Service)

Mr. Rolland Mercier appeared before Council this evening requesting that Council approve a bus stop at 700 Campbell Street to service the 400+ french speaking senior citizens membership and presented a petition in their support.

It was moved by Aldermen Dick Aubry and Naresh Bhargava that Council receive and refer this matter to the Transit Manager to report back at the next regular meeting of February 24, 1997.

MOTION CARRIED

RESOLUTIONS

#03-97 Moved by Alderman Chuck Charlebois;
Seconded by Alderman Denis Carr;

WHEREAS the prices for recyclables have fallen in the last eighteen months; and

WHEREAS Provincial legislation requires municipalities to reduce the quantity of materials going to landfill and to recycle; and

WHEREAS as a result of lower prices for recyclables, the direct operating costs for the Blue Box Program are substantially higher than landfilling for many municipalities; and

WHEREAS municipalities are required to subsidize the increased cost for the operation of the Blue Box Program; and

WHEREAS the packaging industry, the fibre industry, AMO and the Ministry of the Environment and Energy have failed to reach an agreement to provide subsidies to offset the high net cost of the Blue Box Program;

THEREFORE BE IT RESOLVED that Council petition the Ministry of the Environment and Energy and AMO to negotiate an agreement with the packaging and fibre industry to provide funding assistance to municipalities that must subsidize a Blue Box Program when revenues fall below a price that will enable an efficient recycling operation;

FURTHER BE IT RESOLVED that the Ministry of the Environment and Energy reinstitute a grant program for the Blue Box Program in the interim until such time as a satisfactory agreement has been reached with the packaging and fibre industry;

FURTHER BE IT RESOLVED that a copy of this resolution be forwarded to The Honourable Norm Sterling, Minister of Environment and Energy, Mr. Bob Kilger, MP, Stormont-Dundas, Mr. Noble Villeneuve, MPP, Stormont, Dundas & Glengarry and East Grenville, Mr. John Cleary, MPP, Cornwall, the Association of Municipalities of Ontario, the Association of Municipal Recycling Co-Ordinators and the Recycling Council of Ontario.

MOTION CARRIED

#04-97 Moved by Alderman Naresh Bhargava;
Seconded by Alderman Brian Sylvester;

THAT Aldermen Claude Poirier and Denis Carr be appointed the two elected officials as voting members to OMSSA to represent the municipality for the year 1997-1998.

MOTION CARRIED

CONSENT AGENDA

It was moved by Aldermen Chuck Charlebois and Brian Sylvester that the Consent Agenda be approved as presented.

MOTION CARRIED

A. THE ROYAL CANADIAN LEGION

That the request from the Royal Canadian Legion to declare February 15, 1997, as National Flag Day be approved.

B. SEAWAY TOASTMASTER WEEK

That the request from the Seaway Toastmaster Club to declare the week of March 23rd to March 30th as "Toastmasters Week" in Cornwall be approved.

C. AUDIT COMMITTEE MINUTES

That the Audit Committee minutes #1-97, under date of January 29, 1997, be received.

D. TOWNSHIP OF KEPPEL

That the resolution from the Township of Keppel requesting the City support in congratulating the Minister of Education with respect to the changes in education and to further request to make teachers an essential service to avoid strikes which hurt nobody but the children be received.

E. KINSMEN & KINETTE CLUBS OF CANADA

That the request from the Kinsmen & Kinette Clubs of Canada requesting that February 20th be declared Kin Day and the week of February 16-22, Kinsmen/Kinette Week be approved.

COMMUNICATION

1. P.A.C.#1-1

It was moved by Aldermen Brian Lynch and Chris Savard that Council approve P.A.C. #1-1, to permit the retail sales and service of recreational and camping vehicles on Part of Lot 12, Concession 3, lying on the east side of Brookdale Avenue, south of Highway 401 and north of the CNR tracks.

MOTION CARRIED

2. P.A.C. #1-2

It was moved by Aldermen Naresh Bhargava and Chuck Charlebois that Council approve P.A.C. #1-2, to support the concept of entering into a Memorandum of Understanding and Municipal Plan Review with the Province of Ontario.

MOTION CARRIED

3. MUNICIPAL ADMINISTRATION RELOCATION PROJECT

It was moved by Aldermen Chuck Charlebois and Brian Sylvester that Council authorize Administration:

- a) To enter into negotiations with H.R.D.C. on a lease agreement for the relocation of Social Services;
- b) To offer for auction or sale the old library and the St. Felix building;
- c) To continue the evaluation of operating cost of the civic complex and present alternatives to the convention area.

It was moved by Aldermen Naresh Bhargava and Brian Lynch that the main motion be amended and that Item c) remove the wording beginning at "and present alternatives to the convention area".

It was then moved by Aldermen Claude Poirier and Dick Aubry that the amendment to the main motion be further amended in that "before any final action is taken, that Council receive a detailed report identifying all net results on these actions".

A recorded vote on the amendment to the amendment resulted as follows:

YEAS

Alderman Denis Carr
Alderman Chris Savard
Alderman Claude Poirier
Alderman Brian Lynch
Alderman Dean Hollingsworth
Alderman Dick Aubry

NAYS

Alderman Susan Carter
Alderman Brian Sylvester
Alderman Chuck Charlebois
Alderman Naresh Bhargava
Mayor Ron Martelle

MOTION CARRIED 6/5

A recorded vote on the amendment to the main motion resulted as follows:

YEAS

Alderman Chuck Charlebois
Alderman Brian Sylvester
Alderman Susan Carter
Alderman Brian Lynch
Alderman Naresh Bhargava

NAYS

Mayor Ron Martelle
Alderman Denis Carr
Alderman Chris Savard
Alderman Claude Poirier
Alderman Dean Hollingsworth
Alderman Dick Aubry

MOTION DEFEATED 6/5

A recorded vote on the main motion as amended resulted as follows:

YEAS

Mayor Ron Martelle
Alderman Brian Sylvester
Alderman Denis Carr
Alderman Susan Carter
Alderman Chuck Charlebois
Alderman Claude Poirier
Alderman Dick Aubry
Alderman Dean Hollingsworth
Alderman Naresh Bhargava

NAYS

Alderman Chris Savard
Alderman Brian Lynch

MOTION CARRIED 9/2

4. UNEMPLOYMENT STATISTICS

It was moved by Aldermen Brian Lynch and Brian Sylvester that this report be received and that the Chief Administrative Officer present the findings of this report at the next meeting of Eastern Ontario Municipal Chief Administrators Officers.

It was then moved by Aldermen Brian Sylvester and Brian Lynch that the main motion be amended and that this report also be forwarded to our local Economic Development Ad Hoc Committee, Chamber of Commerce, Mr. Bob Kilger, MP, Mr. John Cleary, MPP, Councils of all Eastern Ontario Municipalities, Mr. Drew of Stats Canada, Mr. N. Villeneuve, MPP, requesting consensus and that they forward their support to the senior levels of Government both Provincial and Federal.

It was further moved that the amendment be amended in that Administration have discussions with Stats Canada to voice our displeasure of Cornwall's statistical analysis as provided by Stats Canada.

AMENDMENT TO AMENDMENT CARRIED
AMENDMENT TO MAIN MOTION CARRIED
MAIN MOTION CARRIED AS AMENDED

5. **PARTNERSHIP RECREATIONAL FACILITY**

It was moved by Aldermen Denis Carr and Claude Poirier that Council receive the report from the Manager, Planning & Recreation Services, under date of February 4, 1997.

MOTION CARRIED

6. **IMAGE ENCHANCEMENT REPORT #1-97**

It was moved by Aldermen Brian Lynch and Susan Carter that the report from the Secretary, Image Enhancement Committee, under date of January 30,1997, be referred to P.A.C. for further public input.

MOTION CARRIED

7. **TENDER #97-T02 - SLUDGE & GRIT HAULAGE FOR THE WWTP**

It was moved by Aldermen Brian Sylvester and Denis Carr that this tender be awarded for a 2 year period to Amazing Waste, Cornwall, Ontario, at a total bid price of \$52,190.00 per year including taxes, being the low bid meeting the tender specifications.

MOTION CARRIED

8. **TOWN OF GEORGINA**

It was moved by Aldermen Dean Hollingsworth and Brian Sylvester that Council receive the resolution from the Town of Georgina with respect to not reducing transfers below a level that would equate to the municipality's provincial sales tax liability.

MOTION CARRIED

9. **COMMUNITY BUS SERVICE**

It was moved by Aldermen Brian Sylvester and Naresh Bhargava that the report from the Manager of Transit under date of February 3, 1997, with respect to adjustments to the City's transit system be postponed until February 24th, 1997.

MOTION CARRIED

10. **CORNWALL ACES WILD THING**

It was moved by Aldermen Claude Poirer and Brian Sylvester that the City sell to the Kiwanis Club the Cornwall Aces Mascot for the sum of \$500.00.

MOTION CARRIED

ADOPTION OF THE COMMITTEE OF THE WHOLE

BY-LAWS - Second Reading

It was moved by Aldermen Claude Poirier and Brian Sylvester that the Committee of the Whole be adopted as reported and that by-laws 012-1997 to 022-1997 inclusive, be given second reading.

MOTION CARRIED

BY-LAWS - Third Reading

It was moved by Aldermen Dick Aubry and Dean Hollingsworth that By-law 017, 1997, be voted on separately.

MOTION CARRIED

It was moved by Aldermen Brian Sylvester and seconded by Brian Lynch that by-laws 012-1997 to 022-1997 omitting by-law 017, 1997, be taken as read a third time and finally passed.

It was moved by Aldermen Brian Lynch and Susan Carter that by-law 017, 1997, be read a third time and finally passed.

MOTION CARRIED

REPORTS FROM AD HOC COMMITTEES OF COUNCIL

NOTICES OF MOTION

UNFINISHED BUSINESS

NEW BUSINESS

WORKERS COMPENSATION BILL 99

#1 - Moved by Alderman Claude Poirier and seconded by Alderman Chuck Charlebois that:

BE IT RESOLVED that before any changes to the Workers' Compensation legislation are enacted, the Provincial Government will commission a comprehensive study to examine the impact on municipal expenditures and guarantee to provide local government with the necessary funding to cover all expenses which may be down loaded to the municipality; and

FURTHER BE IT RESOLVED that public hearings on Bill 99 be held in the City of Cornwall in order that all of our citizens and organizations who have an interest in these important changes have an opportunity to be heard;

AND BE IT FURTHER RESOVLED that a copy of this motion be sent to Premier Mike Harris and Elizabeth Witmer, Minister of Labour.

MOTION CARRIED

BREACH OF TRUST - COMMITTEE OF COUNCIL

#2 - Moved by Alderman Susan Carter and seconded by Alderman Chris Savard that:

WHEREAS elected municipal officials are placed in a position of trust by citizens of the City of Cornwall;

AND WHEREAS elected officials are privy to confidential and sensitive information;

AND WHEREAS the Municipal Act states clearly that only certain types of discussion should take place in closed meetings -- to protect confidentiality.

AND WHEREAS Mayor Ron Martelle breached that position of trust by releasing confidential, sensitive and yet to be negotiated information to the public;

AND WHEREAS during the past two years, the Council of the City of Cornwall has been forced to distance themselves from the remarks of the Mayor relating to:

.negative comments about the residents of Akwesasne and their elected officials;

.releasing confidential information about the corporate renewal plan prior to the notification of affected employees;

.inappropriate remarks and correspondence to senior government officials;

.cancellation of contracts without the consent of the Council.

THEREFORE BE IT RESOLVED that the Council of the City of Cornwall censure the actions of Mayor Ron Martelle for breach of trust on behalf of the citizens of the City of Cornwall.

BE IT FURTHER RESOLVED that Council of the City of Cornwall express its non-confidence in the ability of Mayor Ron Martelle to lead the municipality.

It was moved by Aldermen Claude Poirier and Brian Sylvester that the main question be voted on separately.

MOTION CARRIED

A recorded vote that the Council of the City of Cornwall censure the actions of Mayor Ron Martelle for breach of trust on behalf of the citizens of the City of Cornwall resulted as follows:

YEAS

Alderman Brian Sylvester
Alderman Denis Carr
Alderman Susan Carter
Alderman Chris Savard
Alderman Claude Poirier
Alderman Dick Aubry
Alderman Brian Lynch
Alderman Naresh Bhargava

NAYS

Alderman Dean Hollingsworth

Mayor Martelle did not vote on this matter and in accordance to the Procedural by-law 040, 1995, Section 1.11, subsection (c) "failure to vote under a recorded vote, shall be deemed to be a negative vote and the Clerk shall record each vote". Therefore, Mayor Martelle was deemed to have voted in the negative.

MOTION CARRIED 8/2

A recorded vote that the Council of the City of Cornwall express its non-confidence in the ability of Mayor Ron Martelle to lead the municipality, resulted as follows:

YEAS

Alderman Dick Aubry
Alderman Sue Carter
Alderman Chris Savard
Alderman Brian Lynch
Alderman Naresh Bhargava

NAYS

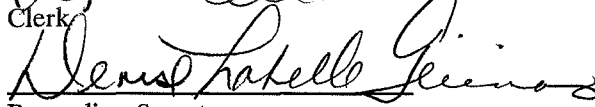
Alderman Brian Sylvester
Alderman Denis Carr
Alderman Claude Poirier
Alderman Dean Hollingsworth

Mayor Martelle did not vote on this matter and in accordance to the Procedural by-law #040, 1995, Section 1.11, Subsection (c) "failure to vote under a recorded vote, shall be deemed to be a negative vote and the Clerk shall record each vote. Therefore, Mayor Martelle was deemed to have voted in the negative.

**MOTION WAS DEFEATED FOR WANT OF
MAJORITY**
5/5

The meeting adjourned at 9:55 p.m.


Clerk


Recording Secretary


Mayor