

CITY COUNCIL #20-97

PRESENT: A regular meeting of Council was held with the following members present: Acting Mayor Chris Savard, Aldermen Denis Carr, Chuck Charlebois, Dean Hollingsworth, Susan Carter, Brian Lynch, Claude Poirier, Brian Sylvester, and Angelo Lebano.

ABSENT:

Mayor Dick Aubry, and Alderman Naresh Bhargava.

IN ATTENDANCE: Richard Allaire, Chief Administrator / Clerk, Paul Fitzpatrick, Assistant C.A.O. / Manager, Economic Development, Graham Dart, Fern Hamelin, Dave Fielding, Steve Alexander, Ken Bedford, Gerry McKenna, Ken Gauthier, Steve Wintle, and D. Labelle-Gélinas, Deputy Clerk/Recording Secretary.

INVOCATION - Richard Allaire, Chief Administrator / Clerk

ADDITIONS / DELETIONS

It was moved by Aldermen Brian Lynch and Angelo Lebano that Council invoke Rule 10 to discuss and reconsider the topless issue as Communication Item #1.

A recorded vote resulted as follows:

FOR

Alderman Brian Sylvester
Alderman Denis Carr
Alderman Chuck Charlebois
Alderman Claude Poirier
Alderman Angelo Lebano
Alderman Dean Hollingsworth
Alderman Brian Lynch

AGAINST

Acting Mayor Chris Savard
Alderman Susan Carter

MOTION CARRIED 7-2

DISCLOSURE OF INTEREST

Nil

PRESENTATION

#1. Ontario Senior Achievement Award

Acting Mayor Chris Savard introduced Therese Lepage as the recipient of the Ontario Senior Achievement Award for 1997. The Ministry of Citizenship, Culture and Recreation recognizes only 20 seniors a year in Ontario who have made a significant contribution to their communities freely without thought of receiving any personal or financial gain.

Mrs. Lepage thanked Council for its nomination and, was presented with a certificate of achievement from Acting Mayor, Chris Savard.

ADOPTION OF MINUTES

It was moved by Aldermen Angelo Lebano and Brian Lynch that the Committee of Council minutes of June 23, 1997 be approved as presented.

MOTION CARRIED

It was moved by Aldermen Susan Carter and Brian Sylvester that the Special Committee of Council minutes of June 25, 1997 be approved as presented.

MOTION CARRIED

It was moved by Aldermen Claude Poirier and Brian Sylvester that the regular Council minutes of June 23, 1997 be approved as presented.

MOTION CARRIED

It was moved by Aldermen Claude Poirier and Angelo Lebano that the Special Council minutes of June 27, 1997 be approved as presented.

MOTION CARRIED

COMMITTEE OF THE WHOLE

It was moved by Aldermen Susan Carter and Brian Sylvester 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 082-1997 to 087-1997 inclusive, be given first reading.

MOTION CARRIED

BY-LAWS - First Reading

- 082-1997 A by-law for the repeal of the existing 1984 Official Plan and adoption of a new Official Plan. [P.A.C. 4-1]
- 083-1997 A by-law to amend by-law 061-1992 for regulating the erection, construction and maintenance of fences and swimming pool enclosures in the City of Cornwall. [P.A.C. 4-3]
- 084-1997 A by-law to authorize the Mayor and Clerk to enter into an agreement with St. Lawrence College pertaining to the use of St. Lawrence College property for a corridor for a recreation trail.
- 085-1997 A by-law to name and dedicate lands as a public highway under the Public Transportation and Highway Improvement Act, and name it Sixth Street East.
- 086-1997 A by-law to authorize the construction of a storm sewer with all applicable works and restoration on Eleventh Street, from McConnell Avenue to Sydney Street; on Rita Street, from Eleventh Street to Twelfth Street (Fly Creek); on Brock Street, from Eleventh Street to Vimy Avenue; and on Larin Avenue, from Eleventh Street to 60 metres north.
- 087-1997 A by-law to amend by-law 069-1989, the Traffic By-law pertaining to the prohibition of skateboarding on library property and in the City parking lot immediately north of the property.

DELEGATIONS

- #1. Meloshe and Associates Ltd.
BROOKDALE MALL - Official Plan (PAC 4-1 Amendment)

Ms. Nancy Meloshe, Principal of M.C.I.P., appeared before Council this evening to present the concerns of Dorchester Oaks with respect to the Commercial polices in the New Official Plan and to protect the future viability of existing centers such as the Brookdale Mall. Ms. Meloshe urged Council to adopt the Planing Advisory Committee recommendation with a further amendment in "That the 25,000 square foot maximum apply to individual retail malls / retail strips or commercial development in the General Commercial designation".

This clause would be critical in that a clear upper limit be placed on future development within the General Commercial Zone.

Ms. Meloshe further requested that Council amend Section 4.6.2, Sub-section 1 of the Official Plan to read "The City will require the applicant to submit ...".

- #2. Iberville Developments - Ninth Street Expropriation

Mr. Domenic Vincenti, Administrator of Iberville Development, spoke in favor of the City's efforts to continue its construction project on Ninth Street between Sydney and Pitt Streets. He indicated that his company had recently purchased the old Canadian Tire property and believed it viable for the betterment of citizens visiting his facility that a proper traffic flow be maintained in and out of this complex. In order to achieve this, City Council must proceed with the necessary expropriation of Ninth Street property.

RESOLUTIONS

- #13-1997 It was moved by Aldermen Chuck Charlebois and Claude Poirier that Mayor Dick Aubry, Aldermen Claude Poirier, Susan Carter, and Denis Carr be the official voting delegates at the Association of Municipalities of Ontario 1997 Annual Conference.

MOTION CARRIED

CONSENT AGENDA

Alderman Claude Poirier requested that Consent Item "B", City of Chatham, be moved to Communications as Item #19.

It was moved by Aldermen Claude Poirier and Brian Lynch that the Consent Agenda be approved as amended.

MOTION CARRIED

A. MUSCULAR DYSTROPHY ASSOCIATION OF CANADA

That Council approve the request to declare the month of September 1997 as Muscular Dystrophy Awareness Month in the City of Cornwall.

B. CITY OF CHATHAM

Moved to Communications as Item #19.

COMMUNICATION

1. WEARING OF TOPS BY FEMALES IN PUBLIC FACILITIES

It was moved by Aldermen Brian Lynch and Angelo Lebano that Council petition the Federal Government to amend the Criminal Code to prohibit women from being topless at public facilities except in identified bathing areas.

A recorded vote resulted as follows:

FOR

Acting Mayor Chris Savard
Alderman Denis Carr
Alderman Chuck Charlebois
Alderman Claude Poirier
Alderman Angelo Lebano
Alderman Dean Hollingsworth
Alderman Brian Lynch
Alderman Brian Sylvester

AGAINST

Alderman Susan Carter

MOTION CARRIED 8-1

It was moved by Aldermen Claude Poirier and Chuck Charlebois that Council apply the same resolution as the City of Ottawa, that indoor and outdoor, municipally owned, facilities within the City of Cornwall be posted with signs in both official languages reading "Women 10 years of age or over are required to wear tops. Violators will be asked to leave", and it apply to all outdoor pools operated by the City of Cornwall.

A recorded vote resulted as follows:

FOR

Alderman Brian Sylvester
Alderman Chuck Charlebois
Alderman Claude Poirier
Alderman Angelo Lebano
Alderman Brian Lynch

AGAINST

Acting Mayor Chris Savard
Alderman Denis Carr
Alderman Susan Carter
Alderman Dean Hollingsworth

MOTION CARRIED 5-4

It was then moved by Aldermen Susan Carter and Dean Hollingsworth that the main motion be amended to read "that tops be worn by both genders at all ages".

A recorded vote resulted as follows:

FOR

Alderman Susan Carter
Alderman Dean Hollingsworth

AGAINST

Acting Mayor Chris Savard
Alderman Brian Sylvester
Alderman Denis Carr
Alderman Chuck Charlebois
Alderman Claude Poirier
Alderman Angelo Lebano
Alderman Brian Lynch

MOTION DEFEATED 7-2

2. LAND EXPROPRIATION - 900 PITT STREET

It was moved by Aldermen Susan Carter and Brian Lynch that the City proceed with the construction of the proposed widening on Ninth Street West, as outlined in compromise #1 of this report; and that Council approve by Resolution the expropriation of the property; and that by-law 067-1997 be given second and third readings for the expropriation of the property for the purpose of a road widening on the north side of Ninth Street West, and to authorize the Mayor and Clerk to sign all necessary documents.

A recorded vote resulted as follows:

FOR

Acting Mayor Chris Savard
Alderman Brian Sylvester
Alderman Susan Carter
Alderman Dean Hollingsworth
Alderman Brian Lynch

AGAINST

Alderman Denis Carr
Alderman Chuck Charlebois
Alderman Claude Poirier
Alderman Angelo Lebano

MOTION CARRIED 5-4

3. STAFF REPLACEMENT

It was moved by Aldermen Chuck Charlebois and Brian Lynch that Council approve the hiring of a Maintenance Man "B" Refrigeration.

MOTION CARRIED

4. ST. FRANCIS DE SALES PROPOSAL

It was moved by Aldermen Angelo Lebano and Claude Poirier that Council authorize City of Cornwall Administration to prepare written Agreements to be signed by the Mayor and Chief Administrator/Clerk with The Royal Canadian Legion, Branch No. 297 for the use of a portion of St. Francis de Sales Park for a Horseshoe Pitch and a 2 meter expansion of the Legion Parking Lot as outlined in this report.

MOTION CARRIED

5. RECREATIONAL TRAIL THROUGH THE ST.LAWRENCE CAMPUS

It was moved by Aldermen Chuck Charlebois and Dean Hollingsworth that Council approve the transfer of \$15,000 - \$20,000 (depending on the final project costs) from the Project 2000 Feasibility Study to the Recreation Trail Project.

MOTION CARRIED

6. COUNTY ROAD NO.2 DESIGNATION

It was moved by Aldermen Brian Lynch and Claude Poirier that the proposed alignment for County Road No.2 be approved, as indicated on Attachment No.2 of this report.

It was then moved by Aldermen Susan Carter and Denis Carr that this matter be deferred to the next regular meeting of Council in order to provide an opportunity for public input from residents along the existing route.

MOTION TO DEFER CARRIED

7. CONSTRUCTION OF A STORM SEWER - ELEVENTH STREET

It was moved by Aldermen Susan Carter and Angelo Lebano that the report from the Manager, Engineering and Environmental Services under date of April 4, 1997 regarding the construction of a storm sewer on Eleventh Street, from McConnell Avenue to Sydney Street; on Rita Street, from Eleventh Street to Twelfth Street (Fly Creek); on Brock Street, from Eleventh Street to Vimy Avenue; and on Larin Avenue, from Eleventh Street to 60 meters north, be approved.

MOTION CARRIED

8. TENDER #97-T25 - Supply of Up to Three HSW Portable Storage Buildings

It was moved by Aldermen Chuck Charlebois and Claude Poirier that Option 1 and 2 of this tender be awarded to Quatrex Environment Inc., Laval, Quebec at the total bid price of \$25,134.30 being the lowest bid meeting the tender specifications.

MOTION CARRIED

9. TENDER #97-T40 - Operation of the Solid Waste Disposal Site for a 5 year period

It was moved by Aldermen Brian Lynch and Brian Sylvester that this tender be awarded for a five year period to Rose Mechanical Limited, Cornwall, Ontario at the total bid price of \$2,057,075.00 (\$8.10 MT & \$2.50 M2) being the lowest bid meeting the tender specifications.

MOTION CARRIED

10. TENDER #97-T41 - Duct Cleaning at the Civic Complex and Kinsmen Centre

It was moved by Aldermen Angelo Lebano and Brian Sylvester that this tender be awarded to Frances H.V.A.C. Services, Nepean, Ontario at the total bid price of \$9,132.45 including taxes being the lowest bid meeting the tender specifications.

MOTION CARRIED

11. TENDER 97-T44 - Installation of Sludge Collection Mechanism

It was moved by Aldermen Brian Sylvester and Claude Poirier that this tender be awarded to Stephens Mechanical, R.R. #1, Williamstown, Ontario at the total bid price of \$12,626.00 being the lowest bid meeting the tender specifications.

MOTION CARRIED

12. TENDER 97-T46 - Electrical Upgrade - Brookdale Chamber

It was moved by Aldermen Brian Lynch and Angelo Lebano that this tender be awarded to Barry Latreille Electric, Williamstown, Ontario at the total bid price of \$4,199.75 being the lowest bid meeting the tender specifications.

MOTION CARRIED

13. **TENDER 97-T49** - Storm Sewer Construction on Eleventh Street from McConnell to Sydney

It was moved by Aldermen Susan Carter and Chuck Charlebois that this tender be awarded to Malyon Excavation, Cornwall, Ontario at the total bid price of \$314,896.54 being the lowest bid meeting the tender specifications.

MOTION CARRIED

14. **OFFICIAL PLAN REVIEW COMMITTEE - AMENDMENT TO P.A.C. 4-1**

It was moved by Aldermen Susan Carter and Dean Hollingsworth that Council instruct staff to examine the feasibility of a 25,000 square foot maximum for factory outlet malls versus another square footage figure or, in fact, the need for any square footage figure in a new Highway Commercial (C.H.) zone and present its findings later this year.

MOTION CARRIED

15. **P.A.C. 4-1** - Draft Official Plan

It was moved by Aldermen Susan Carter and Claude Poirier that:

i) the Draft Official Plan document, dated March 1997, be approved / adopted by Council with revisions as primarily identified in this report; and

ii) that the existing (1984) Official Plan be repealed and replaced by By-law with the subject Draft Plan; and

iii) that the required documentation be subsequently sent to the Ministry of Municipal Affairs and Housing for the Minister's approval; and

iv) that once the new Official Plan is forwarded to the Minister, the Planning Department staff proceed to draft new Commercial zone categories to conform with the Commercial Land Use Designations for P.A.C.'s consideration. Adoption could not occur until the Official Plan is approved by the Minister; and

v) that Council instruct staff to place a maximum of 25,000 square feet for factory outlet malls in a new Highway Commercial (C.H.) zone.

(Amended by the motion of Communication Item #14).

MOTION CARRIED

16. **P.A.C. 4-2** - Brookdale Avenue and Hebert Street

It was moved by Aldermen Brian Lynch and Brian Sylvester that this application for a Zoning By-law Amendment from Residential 20 (RES 20) to Highway Commercial (C.H.) zone on the rear part of Lot 88, Registered Plan No.147 lying between Brookdale Avenue and Hebert Street, be denied.

MOTION CARRIED

17. **P.A.C. 4-3** - Fence By-law

It was moved by Aldermen Susan Carter and Brian Sylvester that Section 5: Height Restrictions of the City of Cornwall Fence By-law 061-1992 be amended as described in Part (B) of the Planning Department staff report dated June 9, 1997; and that Fence Permit and Application Form be amended to exclude the "Corner Lot Approvals (Abutting Owner)" section.

MOTION CARRIED

18. **P.A.C. 4-4** - Phase I, Wood House Museum Relocation Study.

It was moved by Aldermen Chuck Charlebois and Brian Sylvester that Report One: Feasibility of Moving the Wood House, dated March 11, 1997 and prepared by E.R.A. Architect Inc., be received.

MOTION CARRIED

19. **CITY OF CHATHAM**

It was moved by Aldermen Claude Poirier and Brian Lynch that Council endorse and support the resolution regarding the downloading of social services onto municipal governments.

MOTION CARRIED

ADOPTION OF THE COMMITTEE OF THE WHOLE

BY-LAWS - Second Reading

It was moved by Aldermen Chuck Charlebois and Denis Carr that the Committee of the Whole be adopted as reported and that by-law 067-1997, a by-law to expropriate lands for the reconstruction of the intersection of Pitt and Ninth Streets in the City of Cornwall, and; by-laws 082-1997 to 087-1997, inclusive be given second reading.

MOTION CARRIED

BY-LAWS - Third Reading

It was moved by Aldermen Claude Poirier and Brian Lynch that by-law 067-1997 and by-laws 082-1997 to 087-1997, inclusive be taken as read a third time and finally passed.

MOTION CARRIED

REPORTS FROM AD HOC COMMITTEES OF COUNCIL

NOTICES OF MOTION

UNFINISHED BUSINESS

NEW BUSINESS

1. **SOCIAL HOUSING**

It was moved by Aldermen Brian Lynch and Angelo Lebano that:

WHEREAS the Government of Ontario plans to download social housing onto Ontario's municipalities; and

WHEREAS this downloading threatens the financial health of our cities and towns and the very existence of our affordable housing communities; and

WHEREAS the Federal Government has the ability to prevent the transfer of social housing to Ontario's municipalities because almost 80% of Ontario's social housing units have at least partial funding from the Federal Government and all social housing units where costs are shared are covered by global agreements between the Province and the Federal Government.

NOW THEREFORE BE IT RESOLVED That City Council request the Federal Government to refuse to transfer any social housing with federal funding to Ontario until the Province drops its plan to download the responsibility for social housing onto Ontario's municipalities; and

FURTHER That copies of this resolution be forwarded to Hon. Alfonso Gagliano, Federal Minister responsible for social housing, Bob Kilger, M.P. Stormont-Dundas, and the Association of Municipalities of Ontario.

MOTION CARRIED

2. **PROVINCIAL OFFENCES**

It was moved by Aldermen Claude Poirier and Chuck Charlebois that:

WHEREAS The Office of the Minister of the Attorney General has introduced legislation under Bill 108 (second Reading) being an Act to deal with the prosecution of certain provincial offenses, to reduce duplication and to streamline administration; and

WHEREAS Bill 108 amends the Provincial Offenses Act to allow the Attorney General to make agreements with municipalities permitting them to undertake courts administration and court support functions for the purposes of the Act and The Contraventions Act (Canada), and to conduct prosecutions for the purposes of Parts I and II of the Act and for related Contraventions Act purposes; and

WHEREAS this Act would transfer most responsibilities to municipalities for the administration of court functions under the Provincial Offenses Act and allow municipalities to retain a portion of revenues collected from the conduct of the prosecution and fines.

NOW THEREFORE BE IT RESOLVED that this matter be referred to Administration for investigation and that they report back no later than September 30, 1997.

MOTION CARRIED

The meeting adjourned at 10:30 p.m.


Clerk


ACTING Mayor

Recording Secretary