



REGULAR COUNCIL #33-2006

Monday, December 11, 2006
Meeting called to order at 7:30 p.m.
City Hall - 360 Pitt Street, Cornwall

PRESENT: Mayor Bob Kilger, Councillors Mark MacDonald, Guy Léger, Elaine MacDonald, André Rivette, Bernadette Clément, Glen Grant, Denis Thibault, Denis Carr, Kim Baird and Syd Gardiner

ADMINISTRATION: Paul W. Fitzpatrick, Chief Administrative Officer, Denise Labelle-Gélinas, City Clerk, Manon Poirier, Stephen Alexander, David Dick, Christine Lefebvre, Robert Menagh, Fernand Hamelin, Monique Gunn, Normand Levac, Victor Leroux, Debora Daigle, Bill Lister and Mark Boileau

Mayor Bob Kilger called the meeting to order at 7:30 p.m.

INVOCATION

Deacon Ernie Bellefeuille
St. Columban's Parish

NATIONAL ANTHEM

Assembly

ADDITIONS / CORRECTIONS / DELETIONS

Deletion - Delegation - Good Food Box Program - Centre de santé communautaire de l'Estrie

Addition - Communication Item #8 - Cornwall Community Police Service - Public Inquiry

DISCLOSURE OF INTEREST

Councillor Mark MacDonald declared an interest in Unfinished Business Item #5 - Presumptive Legislation for Fire Fighters Bill 111 - stating that he is a retired firefighter.

COMMITTEE OF THE WHOLE

Moved by Councillors Glen Grant and Mark MacDonald that Council go into the Committee of the Whole and that all Minutes, Presentations, Delegations, Resolutions, Consent/Correspondence, Reports and By-laws 214-2006 to 225-2006 be referred to that Committee and that the Agenda of the Committee of the Whole for the meeting of Monday, December 11, 2006, be approved.

Motion Carried

GENERAL CONSENT

ADOPTION OF MINUTES

The Minutes of the Regular Council Meeting #/31-2006 of Monday, November 27, 2006, and of the Special Inaugural Meeting #32-2006, of Monday, December 4, 2006, were presented for adoption. There being no corrections noted, the Minutes stand approved.

PRESENTATIONS

1. Cornwall Community Police Service - Cornwall Public Inquiry

Daniel Parkinson, Chief of Police, and Danny Aikman, Deputy Police Chief, addressed Council regarding the Cornwall Public Inquiry expenses.

This report presented to Council details expenses incurred by the Cornwall Community Police Service as at September 30, 2006, pertaining to the Cornwall Public Inquiry.

Chief Parkinson reminded Council that, during deliberations for the 2006 municipal budget, Council requested a quarterly update on expenses associated to the Cornwall Public Inquiry. At that time, Council set aside \$750,000.00 from reserves to cover the anticipated costs.

Chief Parkinson indicated that the costs associated to the Public Inquiry have risen at an unforeseen rate. The documentary evidence associated to this Inquiry is enormous and has necessitated more resources than anticipated by our legal counsel from Gowlings, Lafleur, Henderson LLP. The number of parties with standing at the Inquiry has increased over the past few months and each of those bring with it a new set of problems associated to disclosure.

Chief Parkinson further indicated that discussions were held with lead counsel, Mr. John Callaghan regarding the escalating legal costs and he assures me that everything that can be done to control costs is being done. He notes several items which Gowlings has not charged the Service in the interest of minimizing our costs. The past several months have seen the focus of Inquiry activities on cases that are relevant to the Cornwall Community Police Service, and it is anticipated to continue through the next several months. During this time, legal costs will be higher and less when other parties will be the focus.

Chief Parkinson estimates that the monthly legal costs will remain in the \$250,000.00 range until at least April, 2007, at which point the monthly costs will be closer to \$50,000 - \$100,000.

In concluding his presentation, Chief Parkinson provided Council with a breakdown of costs in 2006 (as of September 30, 2006):

| | |
|-------------------------------|-----------------------|
| Legal (Total) | \$1,501,516.80 |
| Office rental | 14,175.00 |
| Photocopy and office supplies | 11,387.34 |
| Meals | 513.78 |
| Shipping | 228.77 |
| Janitorial | 140.00 |
| Total | \$1,527,961.69 |

The Cornwall Community Police Service salary costs associated to the Inquiry, as of September 30, 2006, is \$245,986.30.

BY-LAWS

- 214-2006 A By-law to further amend By-law 751-1969, the Zoning By-law, as amended of The Corporation of the City of Cornwall, being a By-law respecting the use of land and the use and location of buildings (to remove Holding (H) Category - portion of property from Uwe Pascheck to Cornwall Mazda);
- 215-2006 A By-law to further amend By-law 139-2002, as amended, which By-law is to prohibit or regulate signs and other advertising devices and posting of notices on buildings or vacant lots - 933 Marlborough Street Billboard;
- 216-2006 A By-law to authorize the sale of land legally described as Part of the West Half of Lot 17 and Part of the East Half of Lot 18, Concession 3, City of Cornwall, County of Stormont, to Scott Lecky (*Committee of Council - August 21, 2006*);
- 217-2006 A By-law to authorize The Corporation of the City of Cornwall to enter into a Collective Agreement with ATU Local 946 from January 1, 2006, to December 31, 2006 (*Committee of Council - November 27, 2006*);
- 218-2006 A By-law to authorize The Corporation of the City of Cornwall to assume the municipal services constructed under the terms of the Subdivision Agreement for Kirkman Estates Subdivision, being Registered Plan 412 and registered as Instrument Number 287258 on October 15, 1998;
- 219-2006 A By-law to authorize the temporary closing of Fourth Street between McConnell Avenue and Guy Street for sewer servicing work by the McConnell Manor project contractors;
- 220-2006 A By-law to appoint Mayor Bob Kilger as ex-officio to the Cornwall Police Services Board for the term of Council of December 2006 to November 2010 and Councillor Denis Thibault for a two-year term from December 2006 to November 2008;
- 221-2006 A By-law to authorize The Corporation of the City of Cornwall to purchase property at 1515 Vincent Massey Drive from Norbro Holdings Ltd. (Best Western Parkway Inn) for the Brookdale Reconstruction (*Committee of Council - December 11, 2006*);
- 222-2006 A By-law to authorize The Corporation of the City of Cornwall to purchase property at 1397 Brookdale Avenue from 329384 Canada Inc. (Wendy's) for the Brookdale Reconstruction (*Committee of Council - December 11, 2006*);
- 223-2006 A By-law to authorize The Corporation of the City of Cornwall to purchase property at 1610 Brookdale Avenue from Danielle and Ronald Theoret for the Brookdale Reconstruction (*Committee of Council - December 11, 2006*);
- 224-2006 A By-law to amend By-law 069-1989 known as the Traffic By-law
(a) Schedule XII Designated Traffic Lanes by adding parts of Brookdale Avenue;
(b) Schedule XIII Prohibited Turning Movements by adding an intersection of

- Brookdale; and
(c) Schedule XII Designated Traffic Lanes by repealing parts of Brookdale Avenue.

225-2006 A By-law to appoint Members of Council to act from time to time in the place and stead of the Head of Council for December 2006 to November 2007 inclusive.

CONSENT

1. Post Office Closures and Rural Delivery Canadian Union of Postal Workers

This item was moved to Communication Item #9 for discussion purposes.

2. Proclamation - Alzheimer Awareness Month

That Council approve the request made by Société Alzheimer de Cornwall et région / Alzheimer Society of Cornwall and District and proclaim the month of January, 2007, as "Alzheimer Awareness Month" in the City of Cornwall and to urge the citizens of our community to become more aware and educated concerning the far-reaching effects of this devastating disease and the "Heads Up for Healthier Brains!" campaign.

3. Staff Replacements

That Council approve the hiring of a Buyer and a By-law Enforcement Officer pursuant to Report HR #11-2006 prepared by Robert Menagh, Manager, Human Resources, under date of December 6, 2006.

4. Planning Advisory and Hearing Committee - Cornwall Mazda

- (a) That the request to remove the Holding (H) category from approximately 8.6 acres (34,803 m²) of Highway Commercial (CH) zoned lands at the northern most portion of the parcel situated at the southeast corner of Brookdale Avenue and Cornwall Centre Road, be approved conditional on being ultimately on full municipal services (water and sanitary sewer) and subject to the incorporation of special site-specific zone exceptions for setbacks, landscape buffering and restricting certain land uses as identified in Section H) 2) of this report;
- (b) That as conditions of a comprehensive site plan review process, various issues related to access, including the proponent obtaining Ministry of Transportation (MTO) approval/permits for access off of Brookdale Avenue and Cornwall Centre Road to service the subject proposed development, stormwater management, servicing, and site buffering/design and on-site lighting, for example, be satisfactorily addressed;
- (c) That any and all off-site infrastructure improvements/extensions, as identified as being needed in the applicable documentation, shall be built at the proponent's expense and addressed in an off-site servicing agreement (or service extension agreement) with the City; and

- (d) That the remaining \pm 4.6 acres still subject to a Holding (H) category should not be removed until such time as appropriate servicing is available to the site and proper analysis of a specific development proposal takes place,
pursuant to PAC Report #10-2006-1 prepared by Stephen Alexander MCIP, RPP, Secretary, Planning Advisory and Hearing Committee, under date of November 20, 2006.

5. Planning Advisory and Hearing Committee - 107 and 109 Pitt Street

- (a) That Council support and approve Application # HOTC 15-06 - Maria Peloso and Frank Zappia - 107 and 109 Pitt Street (being a former Dollar Store), as follows:
- (i) Program 3 - Project Feasibility Study Grant - approved as requested up to the amount of \$1,142.50, (excluding GST)"; and
- (b) That Council support and approve Application # HOTC 16-06 - Dr. Julien Fournier/4952460 Ontario Ltd. - 8 Second Street West - Fournier Eye Care Clinic, as follows:
- (i) Program 2 - Building Restoration and Improvement Loan (Grant) Program - in the amount of \$12,925.00 under the Type II Loan.
 - (ii) Program 4 - Façade Improvement and Heritage Sign Grant Program - in the following amount - Façade \$10,000.00; and
 - (iii) Program 5- Municipal Planning Development Fees Grant Program - in the amount of \$455.00.
- (c) That Council support and approve Application # HOTC 17-06 Nick Chintakis [NEA Real Estate Group Inc.] - 58 Pitt Street - Former Mexicali Rosa's Restaurant, as follows:
- (i) Program 2 - Building Restoration and Improvement Loan (Grant) Program - in the amount of \$10,00.00 under the Type I Loan;
 - (ii) Program 4 - Façade Improvement and Heritage Sign Grant Program - in the following amount - Façade \$10,000.00 and Sign \$1,750.00;
 - (iii) Program 5- Municipal Planning Development Fees Grant Program - in the amount of \$100.00; and
 - (iv) Program 6 - Discretionary Municipal Tipping Fees Grant - in the amount of \$1,600.00,

pursuant to PAC Report #10-2006-2 prepared by Stephen Alexander MCIP, RPP, Secretary, Planning Advisory and Hearing Committee, under date of November 20, 2006.

6. Planning Advisory and Hearing Committee - 933 Marlborough Street Billboard

That Council approve the amendment to the Signs By-law 139-2002 by endorsing By-law 215-2006 in order to provide for a Billboard Sign to be located at 933 Marlborough Street North, subject to the regulations as indicated in the Signs By-law and not larger than the size of the present panels pursuant to PAC Report #10-2006-3 prepared by Stephen Alexander MCIP, RPP, Secretary, Planning Advisory and Hearing Committee, under date of November 20, 2006.

ADOPTION OF GENERAL CONSENT

Moved by Councillors Glen Grant and Kim Baird that all items listed under the General Consent portion of this Agenda be adopted as presented.

Motion Carried

**REPORTS from
UNFINISHED BUSINESS**

1. Domtar Mill - Historic Significance *(Unfinished Business Item #22-2006)*

Moved by Councillors André Rivette and Syd Gardiner that this Unfinished Business Item be taken off the list and that local historical groups continue their discussions with the new owners pursuant to Report PHS #42-2006 prepared by Stephen Alexander MCIP, RPP, Manager, Planning and Housing Services, under date of December 7, 2006.

Motion Carried

2. Cornwall Economic Development Strategic Plan - Implementation Advisory Committee
(Unfinished Business Item #43-2006)

Moved by Councillors Denis Thibault and Denis Carr that Council approve the establishment of the "Cornwall Economic Development Strategic Plan Implementation Advisory Committee" and adopt the attached Terms of Reference for same pursuant to Report ED #35-2006 prepared by Mark Boileau, Senior Development Officer, under date of December 6, 2006.

Moved by Councillors Glen Grant and Denis Carr that the main motion be amended to indicate that the appointment of this Committee be for a four-year (4) term of Council from December 2006, to November 2010.

Motion to Amend Defeated

Main Motion Carried

3. Waterfront Committee Extension of Mandate *(Unfinished Business Item #47-2006)*

Moved by Councillors Guy Léger and Elaine MacDonald that Council confirm its support in that the Waterfront Committee members be allowed to continue its mandate up to March 1, 2007, pursuant to Report PHS #34-2006 prepared by Stephen D. Alexander MCIP, RPP, Manager, Planning and Housing Services, under date of October 11, 2006.

Motion Carried

4. Formulation of a Regional Strategic Plan for the Development of Tourism *(Unfinished Business Item #50-2006)*

Moved by Councillors Denis Carr and André Rivette that the City of Cornwall first complete its participation in the Premier Ranked Tourist Destination Project with Cornwall & Seaway Valley Tourism (CSVT) and that any future participation with the requested regional strategic plan for tourism development be initiated through CVST pursuant to Report ED #36-2006 prepared by Mark Boileau, Senior Development Officer, under date of December 6, 2006.

Motion Carried

Having previously declared an interest in this matter, Councillor Mark MacDonald vacated his seat at the Council Table.

5. Presumptive Legislation for Fire Fighters Bill 111 (*Unfinished Business Item #52-2006*)

Moved by Councillors Glen Grant and Syd Gardiner that Council endorse, as a general principle, the notion contained in the resolution that "firefighters and their families receive fair and timely compensation for illness or disease that is attributable to their work as firefighters," but limit that support as not extending to the endorsement of Bill 111 as it is currently before the Provincial Legislature pursuant to Report HR #08-2006 prepared by Robert Menagh, Manager, Human Resources, under date of November 20, 2006.

Motion Carried

Councillor Mark MacDonald returned to his seat.

COMMUNICATION / /REPORTS

1. Corporate Policy - Flags at Half Mast for Remembrance Day

Moved by Councillors Denis Carr and Guy Léger that the "Flags at Half-Mast" Corporate Policy CS.cl03-01 be amended to include that the Canadian Flags, which are flown on municipal property, be lowered to half mast on November 11 of every year in recognition of Remembrance Day pursuant to Report #12-2006 prepared by Denise Labelle-Gélinas, CMO, City Clerk, under date of November 10, 2006.

Motion Carried

2. Third Quarter Financial Update 2006

Moved by Councillors Glen Grant and Syd Gardiner that Council receive the Third Quarter Financial Update for the period ending September 30, 2006 pursuant to Report #37-2006 prepared by Tracey Bailey, Budget and Cash Coordinator, under date of December 6, 2006.

Motion Carried

3. Carry-Forward of Operations 2006

Moved by Councillors Denis Thibault and Kim Baird that Council approve the carry forward of 2006 operations for 2007 budget purposes pursuant to Report FI #40-2006 prepared by David Dick C.A., Manager, Financial Services, under date of December 6, 2006.

Motion Carried

4. Closing of Capital Projects

Moved by Councillors André Rivette and Syd Gardiner that Council approve the closing out of capital projects as follows:

| | | |
|--------------------|----|--------------------|
| Fire Reserves | \$ | 8,106 |
| Tender Savings | | 115,822 |
| Progress Fund | | 95,651 |
| General Operations | | 120,632 |
| Water Operations | | 141,126 |
| Sewer Reserves | | 500,000 |
| Sewer Operations | | <u>117,664</u> |
| | | <u>\$1,099,001</u> |

pursuant to Report FI #39-2006 prepared by David Dick C.A., Manager, Financial Services, under date of December 6, 2006.

Motion Carried

5. Water Purification Plant Source Water Protection

Moved by Councillors André Rivette and Guy Léger that Council approve the coordination of the required proposals to access Provincial funding for the completion of technical studies required to develop a source water protection plan to be executed by the Raisin River Conservation Authority (RRCA) pursuant to Report EECS #16-2006 prepared by Morris McCormick, P.Eng., Division Manager, Environmental Services, under date of December 6, 2006.

Motion Carried

6. Council Write-Offs / Adjustments

Moved by Councillors Bernadette Clément and Kim Baird that Council authorize tax write-offs / adjustments / vacancies under Sections 357 and 364 of the Municipal Act, 2001 pursuant to Report FI #41-2006 prepared by David Dick C.A., Manager, Financial Services, under date of December 7, 2006.

Motion Carried

7. Overpayment of Social Housing Payments Under the CRF Funding Template

Moved by Councillors Denis Carr and Elaine MacDonald that Council authorize Administration to release funds in the amount of \$3.1M to the United Counties of SD&G along with accumulated interest for the overpayment relating to the delivery of Social Housing in 2003 and 2004 pursuant to Report FI #42-2006 prepared by David Dick C.A., Manager, Financial Services, under date of December 7, 2006.

Motion Carried

8. Cornwall Community Police Service

Moved by Councillors Denis Carr and Denis Thibault that Council adopt Option 2 in that funding in the amount of \$1M be identified and taken from Working Reserves in order to pay legal costs of the Cornwall Public Enquiry increasing the ceiling from \$2M to \$3M.

Motion Carried

9. Post Office Closures and Rural Delivery Canadian Union of Postal Workers

This item was moved from Consent Item #1 for discussion purposes.

Moved by Councillors André Rivette and Elaine MacDonald that Council receive the Resolution provided by the Canadian Union of Postal Workers regarding the provision of commercial profits and dividends and maintenance and expansion of home mail delivery in rural and urban areas.

Motion Carried

TENDER and REQUEST FOR PROPOSAL BLOCK

1. Request for Proposal 06-R19 - Insurance and Risk Management

Moved by Councillors Glen Grant and Syd Gardiner

- (a) That Request for Proposal No. 06-R19 be awarded for a five (5) year term to BFL Canada, Toronto, Ontario at the total premium price of \$ 1,107,769.02 (738,512.68@1.5) for the first eighteen months and subject to satisfactory annual premium negotiations for the following three and one half (3.5) years being the best bid meeting the specifications; and
- (b) That an additional \$142,487.32 allocated to the insurance reserve in 2007 and the remaining retro-assessment of \$134,770 be allocated in the 2008 budget year, pursuant to Report PU #77-2006 prepared by Paulette Heard, CMTC, Purchasing Agent, under date of December 4, 2006.

Motion Carried

2. Request for Proposal 06-R22 - Administration of the Ontario Works Adult Dental Program

Moved by Councillors Denis Thibault and Kim Baird that Option 1 (% of claims paid fee payment system) of Request for Proposal No. 06-R22 be awarded for a three-year period to Accerta Claim Servcorp Inc., Toronto, Ontario, pursuant to Report PU #78-2006 prepared by Paulette Heard, CMTC, Purchasing Agent, under date of December 5, 2006.

Motion Carried

3. Request for Proposal 06-R23 - Sewer Condition Assessment of Riverfront Interceptor

Moved by Councillors Glen Grant and André Rivette that Request for Proposal No. 06-R23 be awarded to PipeFlo Contracting Corp., Hamilton, Ontario, at the total bid price of \$77,570.80 (net cost to the Corporation - \$73,180.00) being the best bid meeting the specifications pursuant to Report PU #79-2006 prepared by Paulette Heard, CMTC, Purchasing Agent, under date of December 5, 2006.

Motion Carried

NEW BUSINESS**1. Municipal Environmental Advisory Committee**

Moved by Councillors Elaine MacDonald and Bernadette Clément that Administration examine and report to Council on the advisability of re-establishing a Municipal Environmental Advisory Committee.

Motion Carried

2. Storm Damage Clean-Up

Moved by Councillors André Rivette and Glen Grant

WHEREAS the high wind, rain storm on December 1, 2006, caused major damage to trees in and around Cornwall including Guindon Park; and

WHEREAS Administration indicates that it will cost \$100,000 to clean up damaged trees from the storm which are dollars that are not included in the 2006 operational budget; and

WHEREAS there are a number of liability concerns in regards to leaving the Guindon Park cleanup until spring along with other areas throughout the city; and

WHEREAS the Raisin River Conservation Authority (RRCA) is one of our outside agency we provide funding to and have creative funding ways to handle this type of cleanup.

NOW THEREFORE BE IT RESOLVED THAT Council request the Manager of Municipal Works and Services meet with the Manager of the RRCA requesting its assistance in ways to deal with this cleanup that could result in a cost saving to the residents of Cornwall.

Motion Carried

3. Succession Planning

Moved by Councillors André Rivette and Mark MacDonald

WHEREAS there will be a need to replace middle and upper management positions in the few years because of retirements; and

WHEREAS we have long term employees qualified to fill these positions but may need additional skills; and

WHEREAS policy is to hire the most qualified person for the job; and

WHEREAS it is important to send the message that this Council is prepared to take action to make sure that we have done everything possible to keep these good paying jobs within our workforce and our community when these jobs need to be filled.

NOW THEREFORE BE IT RESOLVED THAT that Council request that the CAO direct our Human Resource Manager to prepare a report on an action plan for succession planning for Council's second meeting in January, 2007.

A recorded vote on this matter resulted as follows:

For: Councillors Mark MacDonald, Guy Léger, André Rivette, Bernadette Clément, Denis Thibault, Kim Baird and Denis Carr

Against: Councillors Elaine MacDonald, Glen Grant, Syd Gardiner and Mayor Bob Kilger

Motion Carried

PASSING OF BY-LAWS - Third and Final Reading

Moved by Councillors Glen Grant and Denis Carr that By-laws 214-2006 to 225-2006 inclusive, listed on the Agenda for third reading be taken as read a third time and finally passed.

Motion Carried

NOTICE OF MOTION

1. AFMO Conference

Moved by Councillors Syd Gardiner and Bernadette Clément

WHEREAS L'Association francophone des municipalités de l'Ontario (AFMO) held its annual conference in Cornwall in 2004; and

WHEREAS AFMO representatives were well received and suggested that they would choose Cornwall as a preferred sight every fourth year.

NOW THEREFORE BE IT RESOLVED THAT an invitation from the Mayor's Office, in conjunction with the approval of Council and a supporting letter from Cornwall and Seaway Valley Tourism be sent, inviting AFMO to hold its 2008 conference in the City of Cornwall.

CONFIRMING BY-LAW

Moved by Councillors Guy Léger and Bernadette Clément that By-law 073-2006 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, December 11, 2006, having been read a first, second and third time be now taken as read and passed.

Motion Carried

Mayor's Message

As we share love and enjoy the traditions of this holiday, we are also grateful for the men and women who serve our Community, be it on Council or as volunteers in the many giving organizations our community enjoys and who work tirelessly to advance goodwill, peace and safety for our children and families.

Ce Noël, remercions les bénédictions que nous recevons. Que la joie des fêtes renouvelle notre engagement afin de collaborer pour un avenir de paix, d'opportunité et d'espoir. De ma part et de la part des membres de notre Conseil et d'Administration de la Ville de Cornwall, nous vous souhaitons et vos familles, beaucoup de bonheur et de joie pendant cette saison.

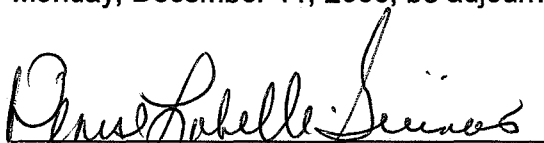
This Christmas, may we give thanks for the blessings we receive. May the joy of the holidays renew our commitment to working together for a future of peace, opportunity, and hope.


This year, we also have a special thought and prayer for our soldiers in the Canadian Armed Forces and their families while they remain separated at this special time of year.

On behalf of my family, members of our Council and the Administration of The Corporation of the City of Cornwall, we wish you and your families, happiness and joy during this wonderful holiday season.

ADJOURNMENT

Moved by Councillors Denis Thibault and Mark MacDonald that the Regular Council Meeting of Monday, December 11, 2006, be adjourned at 9:10 p.m.


DÉNISE LABELLE-GÉLINAS
CITY CLERK


BOB KILER
MAYOR

MANON POIRIER
RECORDING SECRETARY /
ACTING DEPUTY CLERK