

Meeting #: 2021-21
Date: June 28, 2021, 7:00 PM
Location: Zoom
Chair: Todd Bennett, Acting Mayor
Prepared By: Manon L. Levesque, City Clerk

Pages

**In-Camera Session / Rise and Report from the In-Camera Meeting of
Monday, June 28, 2020**

Motion to move into a Closed Meeting at 6:00 p.m. to address matters pertaining to Section 239 (2) and (3.1) of the Municipal Act, 2001.

A meeting or part of a meeting may be closed to the public if the subject matter being considered is:

Item #1, Report 2021-87-CS, Human Rights Tribunal of Ontario Complaint

b) personal matters about an identifiable individual, including municipal or local board employees

e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board

f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose

Moment of Personal Reflection

Réflexion personnelle

National Anthem

Hymne national

The Acting Mayor for this month is Councillor Todd Bennett.

Opening

Ouverture

We acknowledge that we are gathering on the traditional territory of the Mohawk people of Akwesasne.

Roll Call

Appel nominal

Additions, Deletions or Amendments

Ajouts, retraits ou modifications

All matters listed under General Consent, save and except “Delegations” are considered to be routine and will be enacted by one motion. Should a Council Member wish an alternative action from the proposed recommendation, the Council Member shall request that this matter be moved to “Communications” at this time.

Adoption of Agenda

Ratification de l'Ordre du jour

The following Agenda is being presented for adoption as presented / amended.

Disclosures of Interest

Déclarations d'intérêts pécuniaires

Committee of the Whole

Séance de commission étendue à la chambre entire

We will now go into Committee of the Whole and that all Minutes, Presentations, Delegations, Consent/Correspondence, Resolutions, Reports and By-laws shall be considered and referred to that Committee.

Adoption of Minutes

Ratification des procès-verbaux

The following Minutes are being presented for adoption.

- Monday, May 31, 2021
- Monday, June 14, 2021

Presentations

Présentations

- | | | |
|----|--|----|
| 1. | Senator Bernadette Clement, 2021-86-Corporate Services | 15 |
| 2. | An introduction to an AMPS Program for By-Law Services, 2021-112-Planning, Development and Recreation | 17 |

Action Recommended

That Council receive Report 2021-112 as presented, including the accompanying Power Point Presentation on AMPS.

Delegations

Délégations

Consent Reports

Rapports sur le consentement

- | | | |
|----|--|----|
| 1. | CPPEG 30 Sixth Street East, 113 Second Street East, 134 Montreal Road and Tollgate Road West, 2021-103-Planning, Development and Recreation | 34 |
|----|--|----|

Action Recommended

That Council approve the following items:

- a. 2751457 Ontario Inc at 30 Sixth Street East for HOTC funding under:
Program 4 Sign Grant in the amount of \$700
Program 5 Municipal Planning/Development Fees Grant based on actual costs for the sign permit.
- b. 2740648 Ontario Inc at 113 Second Street East for HOTC funding under:
Program 1 HOTC Rehabilitation and Redevelopment Grant in the amount of \$19,126
Program 4 Sign Grant in the amount of \$2,000
Program 5 Municipal Planning/Development Fees Grant based on actual costs for the sign permit
- c. Shawn Smith and Sarah Irwin at 134 Montreal Road for HOTC funding under:
Program 2 Building Restoration and Improvement in the amount of \$4,906 with \$3,985 as a forgivable loan and \$921 as an interest free loan.
- d. 458422 Ontario Limited at Tollgate Road West for Brownfield funding under:
Program 2 Environmental Site Assessment Grant in the amount of \$15,000
Project Feasibility Study Grant in the amount of \$7,500

- | | | |
|----|--|----|
| 2. | Tender 21-T11 Supply and Delivery of One 2021 Pumper Apparatus for Cornwall Fire Services, 2021-70-Financial Services | 37 |
|----|--|----|

Action Recommended

That Tender 21-T11 be awarded to Fort Garry Fire Truck Limited from Winnipeg, Manitoba, at the total bid price of \$1,009,751.05 (net cost to the Corporation - \$909,312.10) being the best bid meeting the tender specifications.

Resolutions

Résolutions

1. **Council Vacancy, 2021-83-Corporate Services** 41

Reports from Unfinished Business and Unfinished Business Listing

Rapports des affaires incomplètes

The Unfinished Business Listing for Monday, June 28, 2021, is being presented to Council to receive.

1. **Rainbow Crosswalks in Celebration of Pride Week, 2021-60-Infrastructure and Municipal Works** 43

Action Recommended

- a. That Council receive Report 2021-60-Infrastructure and Municipal Works.

2. ***Temporary Closure of Pitt Street for Summer Weekends, 2021-79-Corporate Services*** 74

Action Recommended

That Council authorize the temporary closure of Pitt Street from Second Street to First Street and from First Street to 58 Pitt Street on the dates requested.

3. **Unfinished Business Listing for June 14, 2021, 2021-78-Corporate Services** 84

Action Recommended

That Council receive the Unfinished Business Listing for June 14, 2021.

Communication Reports

Communications et rapports

1. **Introduction to an Administrative Monetary Penalty System, 2021-110-Planning, Development and Recreation** 87

Action Recommended

That Council accept Report 2021-110 and draft By-Law to establish an Administrative Monetary Penalty System, as presented and proceed to further direct administration to prepare a By-Law for consideration at a future Council meeting.

2. Process to Fill a Vacant Seat of Council, 2021-82-Corporate Services

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Action Recommended

That Council choose from one of the following three options:

- a. appoint amongst the current Members of Council to fill the vacancy of the Mayor's position; or
- b. require a by-election to be held to fill the vacancy in accordance with the Municipal Elections Act, 1996 and direct Administration to set a date for a by-election; or
- c. fill the vacancy by appointing a person who has consented to accept the office if appointed.

New Business Motions

Nouvelles affaires

By-laws

Règlements municipaux

By-laws 2021-074 to 2021-077 inclusive, listed on the Agenda, are being presented to Council for adoption.

1. **Renaissance Housing Rehabilitation Program 327-327B Guy, 2021-105-Planning, Development and Recreation, 2021-106-Planning, Development and Recreation**

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2. **A By-law to authorize The Corporation of the City of Cornwall to renew its Lease Agreement with the Boys and Girls Club of Cornwall for the use of the Broadview Park Clubhouse, 2021-109-Planning, Development and Recreation**

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3. **A By-Law to authorize The Corporation of the City of Cornwall to enter into a Lease Agreement with the Ontario Hockey Academy for the use of the Benson Centre and the Ed Lumley Arena for the 2021-2022 period, 2021-111-Planning, Development and Recreation**

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4. **A By-law to authorize The Corporation of the City of Cornwall to**

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renew its Lease Agreement with the Champs East Side Boxing Club and Jorge Luis for the use of the St. Joseph Park Clubhouse, 2021-108-Planning, Development and Recreation

- 5. A By-law to authorize The Corporation of the City of Cornwall to renew its Lease Agreement with the Champs East Side Boxing Club and Jorge Luis for the use of the St. Joseph Park Clubhouse, 2021-108-Planning, Development and Recreation**

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Reports from Standing, Advisory, Special and Ad Hoc Committees of Council

Rapports des comités permanents, consultatifs, spéciaux et ad hoc

Notices of Motion

Avis de motion

Confirming By-law

Règlement municipal de ratification

By-law 2021-078, 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, June 28, 2021, is being presented to Council for adoption.

- 1. Confirming By-law for the Meeting of June 28, 2021, 2021-84-Corporate Services**

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Adjournment and Next Regular Meeting of Council

Ajournement et prochaine séance ordinaire du Conseil

The next Regular Public Meeting of Council will be held on Monday, July 12, 2021.



Minutes
Cornwall City Council

Meeting #: 2021-18
Date: Monday, May 31, 2021, 5:00 PM
Location: Zoom
Chair: Bernadette Clement, Mayor
Prepared By: Debbie Caskenette, Deputy Clerk

Attendance Committee Members: Bernadette Clement, Mayor, Claude E. McIntosh, Councillor, Elaine MacDonald, Councillor, Syd Gardiner, Councillor, Dean Hollingsworth, Councillor, Carilyne Hébert, Councillor, Glen Grant, Councillor, Justin Towndale, Councillor, Eric Bergeron, Councillor

Regrets: Maurice Dupelle, Councillor, Todd Bennett, Councillor,

Administration: Maureen Adams, CAO, Manon L. Levesque, City Clerk, Geoffrey Clarke, General Manager, Corporate Services, Mark A. Boileau, General Manager, Planning, Development and Recreation, Tracey Bailey, General Manager, Financial Services, Bob Peters, Manager, Economic Development

1. Roll Call

2. Opening

The Mayor acknowledged that we are gathered on the traditional territory of the Mohawk people of Akwesasne.

3. Adoption of Agenda

Moved By: Syd Gardiner, Councillor

Seconded By: Dean Hollingsworth, Councillor

Motion to adopt the Agenda as presented.

Motion Carried

4. Disclosures of Interest

There were no Disclosures of Interest.

5. Committee of the Whole

Moved By: Dean Hollingsworth, Councillor

Seconded By: Glen Grant, Councillor

Motion to go into the Committee of the Whole.

Motion Carried

6. Presentations and Reports

1. Cornwall Regional Airport – Business Development Plan, 2021-11-CAO

Christian Perreault from Explorer Solutions presented an Executive Summary of the Cornwall Regional Airport Business Strategy and the associated Business Development Plan defining the main orientations of the airport's action, key objective, required tasks and timeline of the steps to be undertaken.

Moved By: Elaine MacDonald, Councillor

Seconded By: Syd Gardiner, Councillor

Motion to receive Report 2021-11-CAO and presentation.

Motion Carried

7. **Adjournment**

The next Regular Public Meeting of Council will be held on Monday, June 14, 2021.

Moved By: Syd Gardiner, Councillor

Seconded By: Carilyne Hébert, Councillor

Motion to adjourn the Special Public Meeting of Council of May 31, 2021, at 6:50 p.m.

Motion Carried

8. **In-Camera Session**

Moved By: Glen Grant, Councillor

Seconded By: Elaine MacDonald, Councillor

Motion to go into an In-Camera Session.

Motion Carried

A meeting or part of a meeting may be closed to the public if the subject matter being considered is:

Item #1 2021-13-CAO, Agreement

k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board

Action Taken: Council provided direction to Administration.

Manon L. Levesque, City Clerk

Bernadette Clement, Mayor



Minutes
Cornwall City Council

Meeting #: 2021-19
Date: Monday, June 14, 2021, 7:00 PM
Location: Zoom
Chair: Bernadette Clement, Mayor
Prepared By: Debbie Caskenette, Deputy Clerk

Attendance Committee Members: Bernadette Clement, Mayor, Claude E. McIntosh, Councillor, Elaine MacDonald, Councillor, Syd Gardiner, Councillor, Dean Hollingsworth, Councillor, Carilyne Hébert, Councillor, Maurice Dupelle, Councillor, Glen Grant, Councillor, Justin Towndale, Councillor, Eric Bergeron, Councillor

Regrets: Todd Bennett, Councillor

Attendance Administration: Maureen Adams, CAO, Manon L. Levesque, City Clerk, Debbie Caskenette, Deputy Clerk, Geoffrey Clarke, General Manager, Corporate Services, Mark A. Boileau, General Manager, Planning, Development and Recreation, Tracey Bailey, General Manager, Financial Services, Bill de Wit, Acting General Manager, Infrastructure and Municipal Works, Bill Lister, EMS Chief, Steven Golden, Administrator Glen Stor Dun Lodge, Mellissa Morgan, Manager, Social and Housing Services, Jeff Weber, Fire Chief, James Fawthrop, Manager, Recreation and Facilities, Michael Fawthrop, Division Manager, Infrastructure Planning, Len Tapp, Division Manager, Transit Services

Guests: Eric Duncan, MP

1. In-Camera Session / Rise and Report from the In-Camera Meeting of Monday, June 14, 2020

There was no In-Camera Meeting for Monday, June 14, 2021.

2. Moment of Personal Reflection

3. National Anthem

The Acting Mayor for this month is Councillor Todd Bennett.

4. Opening

The Mayor acknowledged that we are gathered on the traditional territory of the Mohawk people of Akwesasne.

5. Roll Call

6. Announcements

Mayor Clement announced the passing of Mohawk Council of Akwesasne Kana:takon District Chief Darryl Lazore. On behalf of Council and the residents of Cornwall, Mayor Clement extended condolences to the Mohawk Council of Akwesasne and to the family of Mr. Lazore.

7. Additions, Deletions or Amendments

1. Consent Item #14.8, Purchase of Transit Buses Through the Transit Procurement Initiative, was moved to Communication Reports as Item #17.3 for discussion.

2. Addition of New Business Item #18.2, Temporary Road Closure During the Summer's Weekends.

8. Adoption of Agenda

Moved By: Maurice Dupelle, Councillor

Seconded By: Carilyne Hébert, Councillor

Motion to adopt the Agenda as amended.

Motion Carried

9. Disclosures of Interest

There were no Disclosures of Interest.

10. Committee of the Whole

Moved By: Syd Gardiner, Councillor
Seconded By: Glen Grant, Councillor

Motion to go into the Committee of the Whole.

Motion Carried

11. Adoption of Minutes

Moved By: Elaine MacDonald, Councillor
Seconded By: Claude E. McIntosh, Councillor

Motion to adopt the following Minutes as presented:

Monday, May 17, 2021

Tuesday, May 18, 2021

Monday, May 25, 2021

Monday, May 31, 2021

Motion Carried

12. Presentations

1. Update from MP Eric Duncan, 2021-77-Corporate Services

MP Eric Duncan presented an update on issues that he is working on in conjunction with local municipal leaders. Mr. Duncan briefly outlined the recent creation of a National Suicide Hotline and looked forward to receiving a letter of support from Council for the initiative.

13. Delegations

There were no Delegations.

14. Consent Reports

Moved By: Maurice Dupelle, Councillor
Seconded By: Justin Towndale, Councillor

Motion to approve the Consent Items as listed.

Motion Carried

1. Proclamation – Longest Day of SMILES, 2021-74-Corporate Services

Motion to proclaim Sunday, June 20, 2021, as the “Longest Day of SMILES” in the City of Cornwall.

2. May PAC 134 Montreal Rd and 180-182 Ninth Street East, 2021-88-Planning, Development and Recreation

Motion to approve the following items:

- a. Sarah Irwin and Shawn Smith at 134 Montreal Road for Program 2 – Building Restoration and Improvement in the amount of \$5,015 Program 5 Municipal Planning/Development Fees grant based on actual costs and Program 6 Discretionary Municipal Tipping Fees grant based on actual weigh bill receipts. Conditional upon completing the façade.
- b. Happy Bay Holdings Inc at 180-182 Ninth Street East for Program 2 Building Restoration and Improvement Program in the amount of \$15,000, and Program 4 Façade Improvement and Sign grant in the amount of \$6,000. The application was recommended at 50% of the program maximums as the property is not located within the Priority Area.

3. PAC Report 1 – Application from the Weaving Baskets Group Inc. to rezone lands located at 1335 Reneal Street from Residential 20 to Residential 30 with Exceptions , 2021-91-Planning, Development and Recreation

Motion to approve the PAC recommendation as presented:

- a. To rezone 1335 Reneal Street from Residential 20 (RES20) to Residential 30 with Exceptions (RES30 EXC) on Part Lot 9, Concession 2 on Registered Plan 242, Cornwall, Ontario to allow for the establishment of a multi-residential development; and
- b. To approve the following site-specific exemptions:
 - i. A reduced side yard setback of 3.5 metres on the east side
 - ii. A stairs and landing projection of 1.8 metres and a setback of 1.5 metres
 - iii. A maximum permitted lot occupancy of 47%

- c. That the proposed development be subject to a Comprehensive Site Plan Approval.
- 4. **St. Michel Domaine Subdivision – Lot 14, Plan 52M-33 – Part Lot Control Exemption, 2021-98-Planning, Development and Recreation**
 - a. Motion to remove Part Lot Control from Lot 14 on Registered Plan 52M-33, City of Cornwall; and
 - b. Motion to reinstate Part Lot Control on the semi-detached lot in the St. Michel Domaine Subdivision, once the subject lot has been created by the appropriate procedure
- 5. **Tender 21-T12 Traffic Control Signals and Electrical Works at the Intersection of Second Street and McConnell Avenue, 2021-53-Financial Services**

Motion to award Tender 21-T12 to Black and MacDonald, from Ottawa, Ontario, at the total bid price of \$255,532.55 (net cost to the Corporation - \$230,114.98) being the best bid meeting the specifications.
- 6. **Tender 21-T15 Reconstruction of Sydney Street from Fifth Street to Seventh Street and Traffic Signal Improvements at the Intersection of Sydney Street & Seventh Street, 2021-59-Financial Services**

Motion to award Tender 21-T15 to Malyon Excavation Limited, from Cornwall, Ontario, at the total bid price of \$2,004,513.89 (net cost to the Corporation - \$1,805,126.85) being the best bid meeting the tender specifications.
- 7. **RFP 21-P04 2021 Asset Management Plan Update, 2021-60-Financial Services**

Motion to award RFP 21-P04 to GM BluePlan Engineering Limited, from Stoney Creek, Ontario, at the total bid price of \$206,055.50 (net cost to the Corporation - \$185,559.36) being the best Proposal meeting the specifications.
- 8. **Purchase of Transit Buses Through the Transit Procurement Initiative, 2021-63-Financial Services**

This item was moved to Communication Reports as Item #17.3 for discussion.

15. Resolutions

There were no Resolutions.

16. Reports from Unfinished Business and Unfinished Business Listing

1. Lamoureux Park Beach Volleyball Courts, 2021-94-Planning, Development and Recreation

Moved By: Dean Hollingsworth, Councillor

Seconded By: Justin Towndale, Councillor

Motion to approve Option #1 to build two outdoor beach volleyball courts in Lamoureux Park at a cost of \$63,475.00.

Motion Defeated for Want of Majority

2. Rainbow Crosswalks in Celebration of Pride Week, 2021-58-Infrastructure and Municipal Works

Each of the recommendations were voted on separately.

Moved By: Carilyne Hébert, Councillor

Seconded By: Glen Grant, Councillor

Motion to receive Report 2021-57-Infrastructure and Municipal Works.

Motion Carried

Moved By: Glen Grant, Councillor

Seconded By: Claude E. McIntosh, Councillor

Motion to not proceed with the implementation of a Rainbow Crosswalk within the City's road network at this time.

Motion Defeated

Moved By: Maurice Dupelle, Councillor

Seconded By: Claude E. McIntosh, Councillor

Motion to endorse the implementation of the Clock Tower Mural in Celebration of Pride Week which was developed in partnership with Diversity Cornwall.

Motion Carried

Moved By: Carilyne Hébert, Councillor
Seconded By: Justin Towndale, Councillor

Motion to defer the painting of a Rainbow Crosswalk and to direct Administration to prepare a further report on this matter for the Regular Council Meeting of June 28, 2021.

Motion Carried

3. Unfinished Business Listing for June 14, 2021, 2021-76-Corporate Services

Moved By: Maurice Dupelle, Councillor
Seconded By: Glen Grant, Councillor

Motion to receive the Unfinished Business Listing for June 14, 2021.

Motion Carried

17. Communication Reports

1. Cornwall Regional Airport – 2021 Budget, 2021-54-Financial Services

Moved By: Dean Hollingsworth, Councillor
Seconded By: Justin Towndale, Councillor

Motion to approve the additional transfer of \$27,477 to the Cornwall Regional Airport for the year 2021.

Motion Defeated

2. Municipal Works Yard Redevelopment Quarterly Report, 2021-58-Infrastructure and Municipal Works

Moved By: Glen Grant, Councillor
Seconded By: Claude E. McIntosh, Councillor

Motion to receive Report 2021-58 – Infrastructure and Municipal Works.

Motion Carried

3. Purchase of Transit Buses Through the Transit Procurement Initiative, 2021-63-Financial Services

This item was moved from Consent Item #14.8 for discussion.

Moved By: Elaine MacDonald, Councillor

Seconded By: Syd Gardiner, Councillor

Motion to approve the purchase of two (2) conventional buses from Nova Bus through the Metrolinx Transit Procurement Initiative process.

Motion Carried

18. New Business Motions

1. Intersection of Vincent Massey Drive and Tollgate Road West, 2021-20-Council Members

Moved By: Dean Hollingsworth, Councillor

Seconded By: Eric Bergeron, Councillor

Motion to direct Administration to prepare a detailed report on the intersection identifying the issues with the current intersection, historical collision records, warrant analysis, staff recommendations and an outline of the next steps that would be required to follow should Council decide to pursue the project further.

Motion Carried

2. Temporary Road Closure During the Summer's Weekends, 2021-21-Council Members

Moved By: Justin Towndale, Councillor

Seconded By: Eric Bergeron, Councillor

Motion to direct Administration to prepare a report on the feasibility of closing Pitt Street between Second Street and Water Street on weekend during the summer months for the next Regular Council Meeting of June 28, 2021.

Motion Carried

19. By-laws

Moved By: Justin Towndale, Councillor

Seconded By: Maurice Dupelle, Councillor

Motion to adopt By-laws 2021-063 to 2021-072 inclusive as listed on the Agenda.

Motion Carried

1. By-law 2021-063 Agreement with TIA Rehabilitation Group for Physiotherapy Services at the Glen Stor Dun Lodge, 2021-05-Glen Stor Dun Lodge
2. By-law 2021-064 Borrowing of Funds to Finance Capital Works, 2021-61-Financial Services, 2021-62-Financial Services
3. By-law 2021-065 HOTC 1 Second Street East Program 1, 2021-95-Planning, Development and Recreation, 2021-96-Planning, Development and Recreation
4. By-law 2021-066 HOTC 134 Montreal Road and 180-182 Ninth Street East Program 2, 2021-89-Planning, Development and Recreation, 2021-90-Planning, Development and Recreation
5. By-law 2021-067 Site Specific Heart of the City Community Improvement Plan Program Incentive Amendment, 2021-97-Planning, Development and Recreation, 2021-99-Planning, Development and Recreation
6. By-law 2021-068 Subdivision Agreement and/or Service Extension Agreement Marguerite D'Youville Development - Phase 1, 2021-55-Infrastructure and Municipal Works, 2021-56-Infrastructure and Municipal Works
7. By-law 2021-069 Subdivision Agreement for the Baldwin Avenue Subdivision, 2021-53-Infrastructure and Municipal Works, 2021-54-Infrastructure and Municipal Works
8. By-law 2021-070 Subdivision Agreement of the Belfort Estates Subdivision - Phase 2, 2021-49-Infrastructure and Municipal Works, 2021-50-Infrastructure and Municipal Works
9. By-law 2021-071 Amendment to Zoning By-law #751-1969 , to Rezone 1335 Reneal Street from Residential 20 to Residential 30 with Exceptions , 2021-92-Planning, Development and Recreation, 2021-93-Planning, Development and Recreation

10. By-law 2021-072 St. Michel Domaine Subdivision – Part Lot Control Exemption, Lot 14, Plan 52M-33, 2021-100-Planning, Development and Recreation, 2021-101-Planning, Development and Recreation

20. Reports from Standing, Advisory, Special and Ad Hoc Committees of Council

1. Councillor Syd Gardiner provided an overview of the topics from the Eastern Ontario Health Unit's ALPHA Annual General Meeting he attended.

21. Notices of Motion

There were no Notices of Motion.

22. Confirming By-law

1. **Confirming By-law for the Meeting of June 14, 2021, 2021-75-Corporate Services**

Moved By: Glen Grant, Councillor

Seconded By: Elaine MacDonald, Councillor

Motion to adopt the Confirming By-law for the Meeting of June 14, 2021.

Motion Carried

23. Adjournment and Next Regular Meeting of Council

The next Regular Public Meeting of Council will be held on Monday, June 28, 2021.

Moved By: Justin Towndale, Councillor
Seconded By: Syd Gardiner, Councillor

Motion to adjourn the Regular Council Meeting of June 14, 2021 at 9:50
p.m.

Motion Carried

Manon L. Levesque, City Clerk

Bernadette Clement, Mayor

The Corporation of the City of Cornwall
Regular Meeting of Council
Report

Department: Corporate Services
Division: Clerk's Division
Report Number: 2021-86-Corporate Services
Prepared By: Manon Levesque, City Clerk
Meeting Date: June 28, 2021
Subject: Senator Bernadette Clement

Purpose

To address Council.

Background / Discussion

Bernadette Clement has been selected by Prime Minister Justin Trudeau and appointed by the Administrator of the Government of Canada to serve in the Senate. She will represent the province of Ontario. Mayor Clement has given her notice of resignation effective immediately.

Bernadette Clement has served as Mayor of Cornwall, Ontario, since 2018. She was the first woman to be elected as Mayor of Cornwall in its 237-year history and the first Black woman to serve as a mayor in Ontario. Prior to this, she served three terms as city councillor.

Her mother, who passed away in 2021, grew up in Manitoba as a francophone and her father, who is a few months shy of 100 years young, grew up in Trinidad.

Born in Montreal, she later attended the University of Ottawa. In 1991, after being called to the Bar of Ontario, Clement moved to Cornwall to start her legal career as a legal aid lawyer at the Clinique juridique Roy McMurtry Legal Clinic. She continues to practice law there, focused on representing injured workers and has been an ardent advocate for those less privileged in society.

Report Approval Details

Document Title:	Senator Bernadette Clement - 2021-86-Corporate Services.docx
Attachments:	
Final Approval Date:	Jun 24, 2021

This report and all of its attachments were approved and signed as outlined below:

Geoffrey Clarke - Jun 24, 2021 - 5:45 PM

Maureen Adams - Jun 24, 2021 - 5:48 PM

The Corporation of the City of Cornwall
Regular Meeting of Council
Report

Department: Planning, Development and Recreation
Division: Building and By-law
Report Number: 2021-112-Planning, Development and Recreation
Prepared By: Charles Bray, Deputy Chief Building Official
Meeting Date: June 28, 2021
Subject: An introduction to an AMPS Program for By-Law Services

Purpose

The purpose of this report is to introduce Council to the concept of an Administrative Monetary Penalty System (AMPS). A Power Point Presentation has been provided to give an overview of a proposed AMPS Program for the City of Cornwall.

Recommendation

That Council receive Report 2021-112 as presented, including the accompanying Power Point Presentation on AMPS.

Background / Discussion

An additional report has also been provided to Council, please see Report 2021-110 – Planning, Development and Recreation for further information.

Document Title:	AMPS Presentation - 2021-112-Planning, Development and Recreation.docx
Attachments:	- AMPS - Power Point Council - June 28.pdf
Final Approval Date:	Jun 23, 2021

This report and all of its attachments were approved and signed as outlined below:

Mark A. Boileau - Jun 23, 2021 - 10:31 AM

Maureen Adams - Jun 23, 2021 - 4:36 PM

ADMINISTRATIVE MONETARY PENALTY SYSTEM (AMPS)



BUILDING & BY-LAW DIVISION

What is AMPS?

An Administrative Monetary Penalty System is a program imposed by the City to deter violations of City By-Laws and to create an efficient and effective way to gain compliance.



What is AMPS?

- Administrative Penalties (AMPS) are a way to resolve minor parking and By-Law infractions.
- This system has been adopted by many municipalities, the province and the federal government.

Who uses AMPS?



Canada Border
Services Agency



Canadian Food
Inspection Agency

RHRA Retirement Homes
Regulatory Authority



ONTARIO COLLEGE OF TRADES
ORDRE DES MÉTIERS DE L'ONTARIO



AGCO | Alcohol and Gaming
Commission of Ontario



London
CANADA



Oshawa®



Newmarket



City of Thorold



KINGSTON



Richmond Hill



Hastings Highlands



Ottawa



Cornwall
ONTARIO CANADA

AMPS compared to POA

- Current Model for prosecution is the Court system, via the *Provincial Offenses Act*.
- AMPS would be a very similar process, becoming an administrative process managed by the City's Building & By-Law Division.

AMPS is more effective:

- Residents can resolve minor By-Law matters in a more convenient, approachable and less intimidating manner.
- The City is able to resolve minor By-Law infractions in a timely manner.
- Reduces congestion in Provincial Courts.

Penalty Notice

- A Penalty Notice is very much the same as a parking “**ticket**”, except it requires payment of a **penalty** instead of a **fine**.



Penalty Notice

- Do Penalty Notices cost more than conventional fines?



AMPS Process

- Officer issues a Penalty Notice.
- Residents can pay the “fine” or request a review.
- Review process is either a screening or a hearing.



Review Process

- Screening Officer (Similar to our First Attendance for Parking Infractions)



- Hearing Officer (3rd Party)



Review Process

- Penalty Notice upon review is either:
 - Affirmed
 - Amended, or
 - Rescinded
- A Review Officer may also provide additional time to pay a penalty.



Payment of a Penalty Notice

- Payments can be made:
 - Online
 - Mail
 - 24 Hr Drop Box
 - In Person
 - By Phone



How is AMPS better?

- Resolving minor By-Law infractions could potentially take months in the congested Court system.



- An AMPS Program will speed up this process to a matter of weeks, while maintaining an individual's rights to request a review.

SUMMARY

- Will allow Officers to focus on responding to more calls for service.
- Far less bureaucratic process in nature, more streamlined, convenient and citizen-friendly.
- Cost effective.

Questions



The Corporation of the City of Cornwall
Regular Meeting of Council
Report

Department: Planning, Development and Recreation
Division: Planning
Report Number: 2021-103-Planning, Development and Recreation
Prepared By: Dana McLean, Development Coordinator
Meeting Date: June 28, 2021
Subject: CPPEG 30 Sixth Street East, 113 Second Street East, 134
Montreal Road and Tollgate Road West

Purpose

To approve the four (4) hereafter mentioned items under the Heart of the City and Brownfield Community Improvement Plans recommended for approval at the June CPPEG meeting.

HOTC# 2021-07 30 Sixth Street East, HOTC#2021-09 113 Second Street East, HOTC#2021-04 134 Montreal Road and BR#2021-01 Tollgate Road West.

Recommendation

That Council approve the following items:

- a. 2751457 Ontario Inc at 30 Sixth Street East for HOTC funding under:
Program 4 Sign Grant in the amount of \$700
Program 5 Municipal Planning/Development Fees Grant based on actual costs for the sign permit.
- b. 2740648 Ontario Inc at 113 Second Street East for HOTC funding under:
Program 1 HOTC Rehabilitation and Redevelopment Grant in the amount of \$19,126
Program 4 Sign Grant in the amount of \$2,000
Program 5 Municipal Planning/Development Fees Grant based on actual costs for the sign permit

- c. Shawn Smith and Sarah Irwin at 134 Montreal Road for HOTC funding under:
Program 2 Building Restoration and Improvement in the amount of \$4,906 with \$3,985 as a forgivable loan and \$921 as an interest free loan.
- d. 458422 Ontario Limited at Tollgate Road West for Brownfield funding under:
Program 2 Environmental Site Assessment Grant in the amount of \$15,000
And Project Feasibility Study Grant in the amount of \$7,500

Financial Implications

Funding for the Heart of the City and Brownfield applications is sourced from the Heart of the City Reserve and Brownfield Reserve respectively, and therefore does not have any immediate impact on the operating budget.

Strategic Priority Implications

The City's Community Improvement Plan (CIP) programs support local property owners looking to redevelop their properties. We are seeing businesses move from tenant status to becoming property owners and redesign the space to address accessibility issues in older buildings, and the increase in long term beds for this area.

30 Sixth Street East is the new location for the Seaway Valley Theatre group.

At 113 Second Street East Ming and Associates and BDO have become property owners together and are including an elevator as part of their extensive building renovations. They will also have room for one tenant.

The new owners at 134 Montreal Road are continuing with the renovations of the residential units as tenants leave one of the existing two units. The façade will now be completed as part of this addendum application.

A vacant parcel on Tollgate Road West has been purchased for a new long term care facility, and environmental testing is required for this sensitive land use.

Background / Discussion

No Planning Advisory Committee meeting was held in June, and due to construction scheduling was forwarded directly to Council.

Document Title:	CPPEG June HOTC and Brownfield Applications - 2021-103-PDR.docx
Attachments:	
Final Approval Date:	Jun 23, 2021

This report and all of its attachments were approved and signed as outlined below:

Mary Joyce-Smith - Jun 11, 2021 - 9:58 AM

Mark A. Boileau - Jun 11, 2021 - 10:41 AM

Maureen Adams - Jun 23, 2021 - 8:15 AM

The Corporation of the City of Cornwall
Regular Meeting of Council
Report

Department: Financial Services
Division: Purchasing
Report Number: 2021-70-Financial Services
Prepared By: Wendy Johnsen, Buyer
Meeting Date: June 28, 2021
Subject: Tender 21-T11 Supply and Delivery of One 2021 Pumper Apparatus for Cornwall Fire Services

Purpose

To obtain costing for the supply and delivery of one (1) 2021 Pumper Apparatus for Cornwall Fire Services.

Recommendation

That Tender 21-T11 be awarded to Fort Garry Fire Truck Limited from Winnipeg, Manitoba, at the total bid price of \$1,009,751.05 (net cost to the Corporation - \$909,312.10) being the best bid meeting the tender specifications.

Financial Implications

Through the 2021 budget, Council approved the purchase of a pumper apparatus by means of financing over a 10-year term at a budget price of \$880,000. The award was reduced by \$58,500 in equipment which will be included in the 2022 Capital Budget. As noted, the revised tender price is \$1,009,751.05 (\$909,312.10 net cost to the Corporation), \$29,312.10 over the budgeted amount.

Strategic Priority Implications

This report addresses Council's accountability and transparency to the ratepayers of the City of Cornwall. This report is in alignment with the City's Strategic Plan with respect to effective asset management.

Background / Discussion

The Tender was for the supply and delivery of one (1) 2021 pumper apparatus for Cornwall Fire Service. To review the proposals, Cornwall Fire Service created a Truck Specification Review Committee consisting of six members whose objectives were as follows:

- Ensure that the City's Fire Service truck specifications upholds the legislated requirements under the Provincial Fire Protection and Prevention Act (FPPA), NFPA 1901 and CANULC-S515,
- Ensure standardization of the fire truck fleet,
- Ensure the fire truck specifications meet the department's requirements to support suppression of fires and mitigation of other hazardous situations,
- Ensure the Fire Services capability to transport personnel and equipment for fire suppression and other hazardous situations.

The Specification Review Committee was tasked that standardization of the fire truck fleet refers to:

- Similar truck in all stations for a familiarity point of view from an operational standpoint (occupational health and safety and training),
- Compartment/equipment similarity established through performance management greenbelt projects (occupational health and safety and training),
- Truck movement/placement from station to station.

Cornwall Fire Services follows NFPA1901: Standard for Automotive Fire Apparatus for the specifications for new fire trucks. The NFPA 1901 standards undergo revisions every five years based on real-world incidents in order to provide better safety and effectiveness of fire prevention equipment. Updated standards define the minimum safety requirements for new automotive fire apparatus designed to be used under emergency conditions for transporting personnel and equipment, and to support the suppression of fires and mitigation of other hazardous situations.



The old pumper apparatus was sold to Municipal Works who converted it to a water utility truck. Delivery for the new pumper apparatus truck is expected in the fall of 2022.

The following tender was received and opened by Purchasing Services on May 18, 2021:

Fort Garry Fire Trucks Limited, Winnipeg, Manitoba

Bid Price:	\$952,085.00
HST:	\$123,771.05
Total Bid Price:	\$1,075,856.05

Document Title:	Tender 21-T11 Supply and Delivery of One 2021 Pumper Apparatus for Cornwall Fire Services - 2021-70-Financial Services.docx
Attachments:	
Final Approval Date:	Jun 24, 2021

This report and all of its attachments were approved and signed as outlined below:

Nicole Robertson - Jun 24, 2021 - 10:47 AM

Jeff Weber - Jun 24, 2021 - 10:49 AM

Tracey Bailey - Jun 24, 2021 - 11:35 AM

Maureen Adams - Jun 24, 2021 - 11:42 AM

The Corporation of the City of Cornwall
Regular Meeting of Council
Resolution

Department: Corporate Services
Division: Clerk's Division
Resolution Number: 2021-11
Report Number: 2021-83-Corporate Services
Meeting Date: June 28, 2021
Subject: Council Vacancy – Head of Council

Whereas the Council of The Corporation of the City of Cornwall has recently received the official resignation of one of its members; and

Whereas, pursuant to section 262(1) of the *Municipal Act*, Council shall declare the seat vacant; and

Whereas, once declared vacant, Council shall select the manner in which it shall fill the vacancy.

Where a report is being presented to Council at this same Meeting of June 28, 2021, outlining the options on how to fill the vacancy.

Now therefore be it resolved that the Council of The Corporation of the City of Cornwall now declare the seat vacant.

I, Manon L. Levesque, City Clerk for The Corporation of the City of Cornwall, do hereby certify that the above is a true copy of Resolution Number 2021-11 enacted by Council on Monday, June 28, 2021.

Manon L. Levesque
City Clerk

Report Approval Details

Document Title:	Council Vacancy - 2021-83-Corporate Services.docx
Attachments:	
Final Approval Date:	Jun 24, 2021

This report and all of its attachments were approved and signed as outlined below:

Geoffrey Clarke - Jun 24, 2021 - 11:33 AM

Maureen Adams - Jun 24, 2021 - 11:45 AM

The Corporation of the City of Cornwall
Regular Meeting of Council
Report

Department: Infrastructure and Municipal Works
Division: Infrastructure Planning
Report Number: 2021-60-Infrastructure and Municipal Works
Prepared By: Michael Fawthrop, Division Manager
Meeting Date: June 28, 2021
Subject: Rainbow Crosswalks in Celebration of Pride Week

Purpose

To provide Council with further information regarding the request for Rainbow Crosswalks in Celebration of Pride Week in the community, as requested in a motion approved at the June 14, 2021, regular meeting.

Recommendation

- a. That Council receive Report 2021-60-Infrastructure and Municipal Works.

Background / Discussion

Rainbow Crosswalk

At the May 10, 2021, regular meeting, Council approved a motion which requested that “Administration prepare a report by Monday, June 14, 2021, that outlines the feasibility, cost, potential crosswalks or alternative locations and any other key details required to support Diversity Cornwall in celebrating Pride week by painting a rainbow crosswalk in a prominent location in our City”.

At the June 14, 2021, regular meeting, Council received Report 2021-57-Infrastructure and Municipal Works which is attached to this report. At the same meeting, Council endorsed the implementation of the Clock Tower Mural in

Celebration of Pride Week and directed Administration to prepare a follow-up report on the painting of a rainbow crosswalk for the meeting of June 28, 2021.

As indicated in the previous report, roadway line painting, which includes the painting of crosswalks, is provincially regulated and must follow the Ontario Traffic Manual (OTM). As such, the line painting of crosswalks in the City follows the design standards, details and specifications which are mandated in the OTM. The OTM includes exact specifications on the colour and reflectivity of the paint used for roadway line painting. The line painting at crosswalks provides a basic form of regulatory protection for the pedestrian crossing the road.

The Transportation Association of Canada (TAC) Pedestrian Crossing Control Guide acts as another guideline for local governments to follow in order to ensure that crosswalks are uniformly implemented across the country. Along with the OTM, the TAC Pedestrian Crossing Control Guide considers the posted speed limit, cross section of the roadway, distance to the nearest alternate crossing, number and types of pedestrians and vehicular volume as indicators for the type of crosswalks to be installed.

As indicated in the previous report, Rainbow Crosswalks or any other form of artistic crosswalks do not comply with the design standards, details and specifications for crosswalks as mandated in the OTM and TAC. If crosswalks were not painted in accordance with the OTM and/or TAC, the City could likely be held liable if an accident ever occurred.

Administration is aware that some municipalities across North America have implemented Rainbow Crosswalks in order to celebrate 2SLGBTQ+ awareness and rights. Although some municipalities are implementing Rainbow Crosswalks on either a temporary or permanent basis, these municipalities are doing so assuming the increased risk and liability associated with a non-compliant crosswalk.

Typically in other municipalities, these crosswalks have been implemented at lower volume and lower speed intersections likely due to the associated risk and liability. Should Council elect to issue direction to Administration to proceed with a Rainbow Crosswalk, it is recommended that an intersection be selected which is smaller in size, has modest traffic volumes and lower vehicle travelling speeds in order to mitigate some of the risk. Additionally, it is recommended that only one side of the intersection crosswalk be painted in order to reduce some of the risk and mitigate cost.

As indicated during the June 14, 2021, regular meeting, TAC is currently in the midst of completing a study on Non-Standard Pavement Markings for Crosswalks which will include a formal review of Rainbow Crosswalks and other forms of artistic crosswalk designs. The study was initiated by TAC as provincial and municipal authorities are frequently asked to implement non-standard crosswalk designs as part of a placemaking initiative, to improve aesthetics in an area or to show the support for a cause. Currently, any form of artistic crosswalks are not approved for use by TAC or MTO as no comprehensive studies have been completed on the impact of non-standard crosswalk markings on public safety in Canada and any other publicly available research/studies are very limited. The results of the study which will be conducted by TAC will be released as a formal report with findings eventually being incorporated into a future update of the Manual of Uniform Traffic Control Devices for Canada.

As indicated during the June 14, 2021, regular meeting, TAC is currently in the midst of completing a study on Non-Standard Pavement Markings for Crosswalks which will include a formal review of Rainbow Crosswalks and other forms of artistic crosswalk designs. The study was initiated by TAC as provincial and municipal authorities are frequently asked to implement non-standard crosswalk designs as part of a placemaking initiative, to improve aesthetics in an area or to show the support for a cause. Currently, any form of artistic crosswalks is not approved for use by TAC or MTO as no comprehensive research has been found or studies have been completed on the impact of non-standard crosswalk markings on public safety in Canada. The results of the study which will be conducted by TAC will be released as a formal report with findings eventually being incorporated into a future update of the Manual of Uniform Traffic Control Devices for Canada.

The project will research non-standard pavement marking for crosswalks in an effort to understand their impact on:

- Driver perception and recognition of crosswalks;
- Driver and pedestrian distraction;
- Slip and skid resistance; and
- Recognition by automated driving systems.

Additionally, the project tasks are summarized as follows:

- An extensive literature review;
- Primary research to collect data on recognition/conspicuity and driver/pedestrian distraction;
- Additional research regarding impacts on slip/skid resistance and recognition by automated driving systems;
- Simulation testing;
- Analysis of collected data; and
- Development of recommendations regarding non-standard pavement markings for crosswalks.

The final deliverable for the project will be a resource document which will include recommended practitioner guidance which will eventually be added to the Manual of Uniform Traffic Control Devices for Canada. Originally, the study was to be completed by 2021; however, TAC just recently confirmed that the schedule of the study has been impacted as a result of the pandemic and has been delayed to the Fall of 2022. Once the study has been completed, TAC will provide formal guidance on these types of installations which will likely include approved Rainbow Crosswalk designs and specifications should the results of the study indicate that approved Rainbow Crosswalk designs do not pose a risk/liability to motorists and pedestrians.

Should Council elect to proceed with instituting a Rainbow Crosswalk within the City's road network prior to the TAC study being completed, it is likely that the Rainbow Crosswalk design which is implemented would not be compliant with the guidance provided by TAC and/or MTO; therefore, it will still pose a significant risk/liability to the City. In this event, Administration would need to recommend that the previously installed Rainbow Crosswalk be removed and a TAC/MTO approved design be implemented. As included in the previous report to Council, the cost to install a permanent thermoplastic Rainbow Crosswalk within the City's road network is estimated to be \$10,000 to \$15,000 for one side of an intersection depending upon the size, location and design. Thermoplastic is very expensive to remove after it has been installed due to how well it bonds to the asphalt surface. If the City were to remove an existing thermoplastic crosswalk and implement an approved design, the overall project cost would likely be between \$30,000 to \$40,000.

As such, Administration is recommending that Council not proceed with installing a permanent thermoplastic Rainbow Crosswalk within the City's road network until the TAC study has been completed and formal guidance has been issued.

Once formal guidance is issued by TAC, Administration proposes to bring a report back to Council which would include the following:

- Summary of the results of the study issued by TAC;
- Summary of the guidelines, design standards, specifications, etc., included in the study;
- Discussion on potential locations, approved design selection, schedule and associated costs;
- Consultation with local 2SLGBTQ+ advocacy groups such as but not limited to Diversity Cornwall on potential prominent locations, selecting a TAC approved design, etc.;
- Consultation with BIA's on location, design, etc.; and
- Public consultation on location, design, etc.

Additionally, it is recommended that Council direct Administration to include a permanent thermoplastic Rainbow Crosswalk in the 2022 Capital Budget which is compliant with guidelines to be issued by TAC.

BFL Canada – Insurer

Please refer to the attached previous report on Placemaking which included a request for the artistic painting of crosswalks by volunteers within the City among other Placemaking initiatives. The attached report contained correspondence from the City's insurer, including commentary from the insurer's legal counsel. In summary, the City's insurer advised against implementing crosswalks which do not follow applicable standards due to the increased risk and liability for the municipality should an accident ever occur.

Following the June 14, 2021, regular meeting, Administration reengaged the City's insurer, BFL Canada, to provide updated commentary on the proposal for a Rainbow Crosswalk within the City's road network. Please refer to the attached letter from BFL Canada dated June 24, 2021. As indicated previously, BFL Canada continues to advise the City to not implement a Rainbow Crosswalk due to the risk and liability associated with a non-compliant crosswalk.

BLG – Legal

Following the June 14, 2021, regular meeting, Administration sought an additional legal opinion from the City's legal firm, BLG. At the time of writing this report, a memorandum to be provided by BLG in regards to implementing a proposed non-compliant crosswalk was still pending. It will be circulated directly

to Council in advance of the meeting. BLG is advising the City to not implement a Rainbow Crosswalk due to risk and liability associated with a non-compliant sidewalk. Furthermore, BLG is in agreement with the analysis and commentary on risk/liability which was included within both staff reports on the matter.

BLG is not aware of any applicable case law on the matter as it likely has not been before the court system as of yet since these crosswalks have only been installed in some municipalities in recent years.

Additionally, the legal opinion provided by BLG is consistent with the legal advice provided by the City's insurer as part of both the Placemaking Report and the Rainbow Crosswalk Report.

Joint and Several Liability

Joint and several liability is a common law principle holding that those who have contributed to cause a single inseparable loss are each liable to the injured person for the full amount of the damage suffered. In Ontario, the joint and several provisions of the Negligence Act, indicate: "Where damages have been caused or contributed to by the fault or neglect of two or more persons...and, where two or more persons are found at fault or negligent, they are jointly and severally liable to the person suffering the loss or damage." A defendant, who may be only 1% at fault, can be obligated to pay the plaintiff's entire judgment, particularly in cases where the other defendant(s) is unable to meet a court-ordered award. The joint and several liability legislation has placed disproportionate accountability onto municipal governments.

Since the proposed Rainbow Crosswalk is non-compliant with applicable standards and has not been tested as of yet, the City could be held liable if an accident were ever to occur at the proposed Rainbow Crosswalk even if the proposed crosswalk was not the main cause of the accident. The potential liability would also likely increase as Administration, the City's legal counsel and insurer have all advised against it.

Claims Process

In the case of injuries resulting from an incident on public property, upon receiving a claim, the City undergoes a diligent investigative process to determine cause, location, date, and potential liability. This includes an analysis of all relevant internal records along with conversations with the departments and individuals involved. For example, in the case of a slip and fall claim, records



gathered from relevant departments may include sidewalk maintenance records, sidewalk inspection records, pre and post incident weather records, winter control records (if applicable), and pictures of the location of loss. As a part of our fact-gathering process, we compare our internal records with relevant legislations and standards in place.

The best safeguard available to municipalities in defense of an injury claim are the legislations and standards set out by the provincial and federal governments, including the Minimum Maintenance Standards, the Municipal Act, and the Occupiers' Liability Act. These pieces of legislation codify the municipality's responsibilities and allow the municipality to refute liability if those responsibilities are fulfilled. Through this process, municipalities are able to use relevant legislations to show that they were not negligent. In the absence of legislation or if a municipality is not following current legislation, the municipality may be found to have breached its duty of care and may be held liable for damages resulting from this negligence.

Meeting with Diversity Cornwall

Administration met with Diversity Cornwall on June 22, 2021, to discuss the Rainbow Crosswalk proposal as well as the Clock Tower Mural. Following the meeting, Diversity Cornwall provided a letter summarizing their position on both projects. Please refer to the attached letter from Diversity Cornwall dated June 22, 2021. Diversity Cornwall expressed to the City that the board receives many requests for a Rainbow Crosswalk in the City similar to those found in other municipalities. Diversity Cornwall was understanding of Administration's position that these crosswalks are not compliant with applicable standards. As indicated in the attached letter, Diversity Cornwall supported the Justice Building as a potential location.

Additional Recommendations

Although some municipalities are implementing Rainbow Crosswalks on either a temporary or permanent basis, these municipalities are doing so assuming the increased risk and liability as they are not compliant with OTM or TAC guidelines. Even though some municipalities are installing these crosswalks, Administration is professionally obligated to advise that these crosswalks are not compliant with legislation and have not been safety tested by TAC or MTO as of yet. As such, Administration cannot recommend that these crosswalks be implemented due to the associated increased risk and liability to the municipality.

Municipalities who have proceeded with these crosswalks have either used approved line paint or thermoplastic. Typically, municipalities which have implemented these crosswalks on a temporary basis, usually for the duration of Pride Week/Month, have used approved line paint due to the lower cost and ability to remove. Line paint is generally only used on a temporary basis as it typically wears off quickly especially in new applications and would require successive paint coats. In order to help address the slipperiness of a large painted surface when wet, a non-slip additive can be used to improve traction. The use of line paint within the City's road network even with a non-slip additive would be discouraged as it is a non-approved crosswalk and it will wear off very quickly. The use of line paint with a non-slip additive would only be recommended as a temporary installation for a defined period of time. It should not be considered for use within the City's road network. Possible consideration could be to install a temporary rainbow crosswalk using a non-slip additive for a defined period of time such as Pride Week or Pride Month in an area with high visibility such as the Justice Building, Benson Centre, Civic Complex, etc. The City of Kingston has recently undertaken a similar initiative in front of City Hall where the paint will be installed for Pride Month to celebrate 2SLGBTQ+ awareness and rights and will be removed at the end of June. Please refer to further information regarding the City of Kingston project found at the following link: <https://globalnews.ca/news/4244802/rainbow-crosswalk-kingstons-pride/>. Further information can also be found on the City of Kingston website at the following link: <https://www.cityofkingston.ca/-/city-shows-its-support-for-lgbtq-community>. The estimated cost to install a temporary rainbow crosswalk on a City property would be estimated to be \$5,000 plus the cost to remove it. Line paint would not be recommended as a permanent solution as the maintenance costs associated with continually repainting an area would exceed the cost of installing thermoplastic as discussed below.

As indicated in the previous report, some municipalities which have implemented these crosswalks on a permanent basis have elected to use thermoplastic markings in lieu of line paint. As indicated above, line paint is discouraged due to the maintenance costs associated with continually having to repaint the area, the large surface becoming slippery when wet, poor durability, etc. Thermoplastic markings are essentially plastic markings which have been melted into the pavement surface with heat. The benefit of these markings is that it can last up to 5 years depending upon the application and it provides increased traction for pedestrians compared to line paint. The disadvantages of thermoplastic is the initial capital cost and the cost to remove it after it has been placed. As such, thermoplastics are typically installed when the application is intended to be

permanent. As previously indicated, the cost of the application to one crossing at an intersection could range from \$10,000 to \$15,000 depending upon the size of the intersection. It is difficult to provide an exact cost of the application as the cost is dependent upon the design of the Rainbow Crosswalk as various alternatives exist, the size of the crosswalk/intersection, the number of crossings to be painted, the traffic control required, etc. Although some municipalities have instituted these crosswalks using thermoplastic, Council should be reminded that these crosswalks still do not comply with legislation and would still expose the municipality to liability should any type of accident ever occur at the intersection.

As indicated above, if a crosswalk were to be installed within the City's road network prior to the completion of the TAC study, it is possible that the crosswalk may need to be removed and replaced at a significant cost at a later date. As such Administration is recommending that Council not proceed with installing a permanent Rainbow Crosswalk until the study has been completed and formal guidance has been issued.

Should Council issue direction to proceed with a permanent thermoplastic crosswalk this year, it likely could not be installed until the Fall as the City would need to prepare a proposed design, consult advocacy groups, issue and award a competitive request for quotation, etc. As previously indicated in the past report, the location of Pitt Street and Second Street which was previously discussed would be discouraged due to the traffic volumes, speeds, size of the intersection, etc. Additionally, the increased vehicle traffic, turning movements and speeds will also likely decrease the lifespan of the product and subject it to tire markings. If Council issued direction to install a rainbow crosswalk within the road network, the intersection of Pitt Street and First Street which was discussed at the recent meeting would likely be a good candidate as it is a stop controlled intersection with lower travelling speeds and lower volumes. If Council directed Administration to install a crosswalk within the City's road network once the TAC study was completed and guidance was issued, the location of Pitt Street and First Street would likely be recommended as the preferred location. Additionally, consideration could be given to installing the permanent thermoplastic crosswalk within the property of a City facility such as the Justice Building, Benson Centre, Civic Complex, etc. In the recent meeting with Administration and members of Diversity Cornwall, Diversity Cornwall indicated a preference for the Justice Building location due to its prominence, proximity to police services and public presence which may dissuade potential vandalism, etc.

Administration recommends that Council direct staff to prepare a report on the implementation of a Rainbow Crosswalk once guidelines and standards have



been issued by TAC following the completion of the study. Once formal guidance has been issued by TAC (expected in 2022), Administration will prepare a report to implement a Rainbow Crosswalk in a prominent location in the City in accordance with applicable guidelines. The report will include consultation with local 2SLGBTQ+ advocacy groups such as, but not limited to Diversity Cornwall as well as the BIA's, the general public, etc., on the potential locations, the selected design, etc. Administration also recommends that Council direct staff to include the implementation of a permanent thermoplastic Rainbow Crosswalk which is to be installed in a prominent and visible location in the 2022 Capital Budget submission which is to be compliant with TAC and/or MTO standards once the study is completed and guidelines have been issued.

Document Title:	Rainbow Crosswalk in Celebration of Pride Week - Follow-up - 2021-60-IMW.docx
Attachments:	- BFL Letter - Rainbow Crosswalk.pdf - Diversity Cornwall - Crosswalk.pdf - 2021-57-IMW - Rainbow Crosswalk in Celebration of Pride Week.pdf
Final Approval Date:	Jun 24, 2021

This report and all of its attachments were approved and signed as outlined below:

Michael Fawthrop - Jun 24, 2021 - 2:41 PM

Bill de Wit - Jun 24, 2021 - 3:03 PM

Mark A. Boileau - Jun 24, 2021 - 3:37 PM

Tracey Bailey - Jun 24, 2021 - 3:44 PM

Maureen Adams - Jun 24, 2021 - 4:26 PM



181 University Avenue, Suite 1700, Toronto, ON M5H 3M7
T. (416) 599-5530 | 1 (800) 668-5901 | F. (416) 599-5458

June 24, 2021

Tracey Bailey
GM Financial Services and Treasurer
The Corporation of the City of Cornwall
100 Water Street East, 1st Floor, P.O. Box 877
Cornwall, ON K6H 5T9

Subject: Rainbow Crosswalks

Dear Tracey:

If the City wishes to move forward and paint the crosswalk lines in rainbow colours, for the City to fully understand what their exposure could be from a liability perspective, the City should seek a legal opinion. There are several lawyers who specialize in municipal road liability, and we can provide you with their contact information if required.

In the meantime, it is our understanding that Transportation Association of Canada (TAC) is currently conducting a study on Non-Standard Pavement Markings for Crosswalks which will include a detailed review of Rainbow Crosswalks and strictly from a risk management perspective, and not as a legal opinion, our recommendation would be that the City wait until formal guidance on these types of crosswalks has been released

Hopefully the information provided is of assistance however should you have any questions please do not hesitate to contact me.

Sincerely,

BFL CANADA Risk and Insurance Services Inc.

Robin McCleave

Robin McCleave
Vice-President – Public Sector Risk Management Leader
Direct Line: (647) 480-3475
Email: rmccleave@bflcanada.ca

cc. Judi Shum-Mousseau
jshum-mousseau@bflcanada.ca



June 22, 2021

To: Cornwall City Council

I want to begin by thanking you for your request for a more detailed report regarding a rainbow crosswalk in the City of Cornwall. Cornwall has long been known as a small town with antiquated views, and we are so appreciative of the progress that has been made and continues to be made by our current administration in making Cornwall a more inclusive, accepting and vibrant place to live and to visit.

We are also very grateful for the opportunity that the City of Cornwall has provided to Diversity Cornwall to collaborate on the design of a new mural at Lamoureux Park. Notwithstanding this exciting new project, we continue to receive frequent requests by members of the community for a rainbow crosswalk in Cornwall. We have also seen a fair share of criticism of the idea and of the 2SLGBTQ+ community in Cornwall in general, which highlights the importance of visibility and open displays of support from our City's administration in combating the prejudice and discrimination that the 2SLGBTQ+ community in Cornwall continues to face.

We believe that this visible sign of support by the City of Cornwall for our 2SLGBTQ+ community would send a very clear and important message that Cornwall is a welcoming and progressive city that supports diversity in our community. Over the past few years, rainbow crosswalks have appeared in various cities across Ontario, including Kingston, Ottawa, Toronto, Thunder Bay, London, Sudbury, Sault Ste.Marie, Burlington, and more recently, Kemptville, among others.

While we understand the concerns raised in the initial report such as safety concerns, risk of litigation, maintenance costs, and potential for vandalism, various other cities across Ontario have found ways to mitigate these risks. We would love to see our community do the same.

We have considered alternatives that may help to mitigate these risks and would like to suggest that the City of Cornwall consider locations that may not present the same safety concerns, such as in front of the Justice Building. We believe that this location would be both impactful and meaningful to the community in recognizing the progress made by the 2SLGBTQ+ community in obtaining equal rights under the law, while mitigating some of the risks presented by having this crosswalk at a busy downtown intersection. Its proximity to the Cornwall Community Police station may also help alleviate concerns raised by councilors regarding vandalism.

We understand that the MTO may be releasing formal guidance on artistic crosswalks in the future, and therefore this request may not be feasible in advance of our 2021 Pride celebrations, we appreciate that the City of Cornwall continues to explore this important initiative further.

Thank you,

Elizabeth Quenville
Diversity/Diversité Cornwall
613-551-9233
President.diversity@gmail.com

The Corporation of the City of Cornwall
Regular Meeting of Council
Report

Department: Infrastructure and Municipal Works
Division: Infrastructure Planning
Report Number: 2021-57-Infrastructure and Municipal Works
Prepared By: Michael Fawthrop, Division Manager
Meeting Date: June 14, 2021
Subject: Rainbow Crosswalks in Celebration of Pride Week

Purpose

To provide Council with information regarding the request for Rainbow Crosswalks in Celebration of Pride Week in the community, as requested in a Motion approved at the May 10, 2021, regular meeting.

Recommendation

- a. That Council receive Report 2021-57-Infrastructure and Municipal Works;
- b. That Council not proceed with the implementation of a Rainbow Crosswalk within the City's road network at this time; and
- c. That Council endorse the implementation of the Clock Tower Mural in Celebration of Pride Week which was developed in partnership with Diversity Cornwall.

Background / Discussion

Rainbow Crosswalk

At the May 10, 2021, regular meeting, Council approved a motion which requested that “Administration prepare a report by Monday, June 14, 2021, that outlines the feasibility, cost, potential crosswalks or alternative locations and any other key details required to support Diversity Cornwall in celebrating Pride week by painting a rainbow crosswalk in a prominent location in our City”.

Roadway line painting which includes the painting of crosswalks is provincially regulated and must follow the Ontario Traffic Manual (OTM). As such, the line painting of crosswalks in the City follows the design standards, details and specifications which are mandated in the OTM. The OTM includes exact specifications on the colour and reflectivity of the paint used for roadway line painting. The line painting at crosswalks provides a basic form of regulatory protection for the pedestrian crossing the road.

The Transportation Association of Canada (TAC) Pedestrian Crossing Control Guide acts as another guideline for local governments to follow in order to ensure that crosswalks are uniformly implemented across the country. Along with the OTM, the TAC Pedestrian Crossing Control Guide considers the posted speed limit, cross section of the roadway, distance to the nearest alternate crossing, number and types of pedestrians and vehicular volume as indicators for the type of crosswalks to be installed.

Rainbow crosswalks or any other form of artistic crosswalks do not comply with the design standards, details and specifications for crosswalks as mandated in the OTM and TAC Pedestrian Crossing Control Guide. If crosswalks were not painted in accordance with the OTM and/or TAC, the City would likely be held liable if an accident ever occurred. The type of accident in which the City could be potentially held liable ranges from minor incidents such as pedestrian slip and fall accidents to major incidents such as a vehicular collision or a vehicular collision involving a pedestrian. In preparing this report, Administration reviewed staff reports from other municipalities who had reviewed similar requests. The vast majority recommended against the proposed crosswalks for the same reasons as described in this report.

Administration also contacted a transportation consulting engineer who works in various municipalities across Ontario to solicit their feedback. The consultant has provided guidance to various municipal clients on similar requests. Similar to the guidance provided by Administration included herein, the consultant has advised municipal clients that these crosswalks do not comply with applicable standards and are not recommended.

Please refer to the attached previous report on Placemaking which included a request for the artistic painting of crosswalks by volunteers within the City among other Placemaking initiatives. The attached report contained correspondence from the City's insurer including from the insurer's legal counsel. In summary, the City's insurer advised against implementing crosswalks which do not follow applicable standards due to the increased risk and liability for the municipality should an accident ever occur.

Administration is aware that some municipalities across North America have implemented Rainbow Crosswalks in order to celebrate 2SLGBTQ+ awareness and rights. Although some municipalities are implementing Rainbow Crosswalks on either a temporary or permanent basis, these municipalities are doing so assuming the increased risk and liability.

Typically in other municipalities, these crosswalks have been implemented at lower volume and lower speed intersections likely due to the associated risk and liability. Should Council elect to issue direction to Administration to proceed with a Rainbow Crosswalk, it is recommended that an intersection be selected which is smaller in size, has modest traffic volumes and lower vehicle travelling speeds in order to mitigate some of the risk. Additionally, it is recommended that only one side of the intersection crosswalk be painted in order to reduce some of the risk and mitigate cost. During previous discussions at Council, the intersection of Pitt Street and Second Street West was discussed as a potential location. Administration would discourage this intersection for a Rainbow Crosswalk due to its size, traffic volumes, speeds, etc.

In addition to the above, the Infrastructure Department typically repaints any roadway markings twice annually, particularly in areas with higher traffic volumes such as the downtown intersections. As a result, there would be an annual cost to repaint the crosswalk if Council issued direction to Administration to implement the project. The MTO mandates the various types of paint and colour that can be



used for pavement markings. The OTM includes exact specifications on the colour and reflectivity of the paint used for roadway line painting. As such, if Council issues direction to Administration to implement the project, it should not be completed by volunteers and should be completed by qualified line painting contractors using approved line paint with proper traffic control protection and experience. Even if approved line paint was used, it would still likely wear off relatively quickly due to traffic volumes and it would need to be repainted multiple times throughout the year. With new line painting applications, it will wear off even quicker. Successive paint coats over a large area can become very slippery when wet which

will only increase the potential liability for the City. Other staff reports from various municipalities have also advised that the large surface would become very slippery especially once several coats of paint were applied which would increase the potential for slip and fall accidents.

In order to address some of the issues above, some municipalities who have implemented these crosswalks have elected to use thermoplastic markings in lieu of line paint. Using line paint was generally discouraged due to the cost of the custom line paint, the large painted surface becoming slippery when wet, the poor durability of the line paint and the maintenance cost associated with having to continually repaint it throughout the year. Thermoplastic markings are essentially plastic markings which have been melted into the pavement surface with heat. The benefit of these markings is that it can last up to 5 years depending upon the application. The disadvantage of the thermoplastic application is the capital cost. Additionally, Administration has limited experience with the use of thermoplastics for this type of application and are relying on

specifications/recommendations from other municipalities. Since the cost of the application is very dependent upon the size of the intersection as well as the number of crossings to be painted and due to Administration's limited experience with the material, it is difficult to provide Council with an estimate for this application. Based on pricing presented by other municipalities, the cost of the application to one crossing at the intersection could range from \$10,000 to \$15,000 depending upon the size of the crossing. These budgetary numbers are preliminary estimates using information from other municipalities. Further estimating of costs could be provided if an intersection were to be selected in the future. Although some municipalities have instituted these crosswalks using thermoplastic, Council should be reminded that these crosswalks still do not comply with legislation and would still expose the municipality to liability should any type of accident ever occur at the intersection.

Although some municipalities are implementing Rainbow Crosswalks on either a temporary or permanent basis, these municipalities are doing so assuming the increased risk and liability as they are not compliant with OTM or TAC guidelines. Even though some municipalities are installing these crosswalks, Administration continues to recommend that Rainbow Crosswalks not be implemented due to the associated risk and liability to the municipality. Through some conversations with professionals in the industry, there has been discussion that the TAC or MTO may provide commentary and/or guidance on these types of crosswalks in the near future. Should TAC or the MTO issue formal guidance on these types of installations in the future, a Rainbow Crosswalk could be considered at that time.

Although Administration is very supportive of the intent of the crosswalk initiative, Administration cannot support it at this time as it would expose the municipality to risk/liability and potentially compromise pedestrian safety. Administration is currently working on another initiative in partnership with Diversity Cornwall which Administration would recommend in order to show support for 2SLGBTQ+ without exposing the municipality to increased risk/liability or compromise pedestrian safety.

Clock Tower Mural in Partnership with Diversity Cornwall

Running parallel to the above rainbow crosswalk consideration, staff with the Department of Planning, Development, and Recreation have been working in partnership with Diversity Cornwall on a new mural which will be painted on the concrete retaining wall located south of the Clock Tower in Lamoureux Park.

The wall measures nearly 85 feet wide and 3.5 feet high, with 8 stairs on either side.

The mural opportunity was included in the City's recent Call to Artists. More information on the Call to Artists can be found at the following link:

<https://www.cornwall.ca/en/play-here/call-for-artists.aspx>. The parameters of the mural were developed in collaboration with Diversity Cornwall Board Members, volunteers, and community participants. Artists were encouraged to submit designs that are colourful, vibrant, inclusive, and unique. Designs also needed to reflect Diversity Cornwall's mission of fostering diversity, unity, and visibility, while also capturing social justice themes of race, gender, age, language, sexual orientation, religion, nationality, education, mental or physical ability, and socioeconomic status.

Eleven artist submissions were received and reviewed by Board Members of Diversity Cornwall and City staff. Local artist, Ms. Kathleen Tuck has been awarded the mural opportunity, pending an artist agreement. Please refer to the attached draft rendering of the mural submitted by Ms. Tuck.

Ms. Tuck will begin working on the mural immediately to ensure it is ready to be unveiled on June 30th during the Diversity Cornwall PRIDE flag raising. Council will note that the proposed mural design incorporates a hand printing activity which will become part of the June 30th mural unveiling.

Document Title:	Rainbow Crosswalk in Celebration of Pride Week - 2021-57-IMW.docx
Attachments:	- Tuck_Clock Tower Mural.pdf - 2020-323-PDR.pdf
Final Approval Date:	Jun 10, 2021

This report and all of its attachments were approved and signed as outlined below:

Michael Fawthrop - Jun 10, 2021 - 11:04 AM

Bill de Wit - Jun 10, 2021 - 11:19 AM

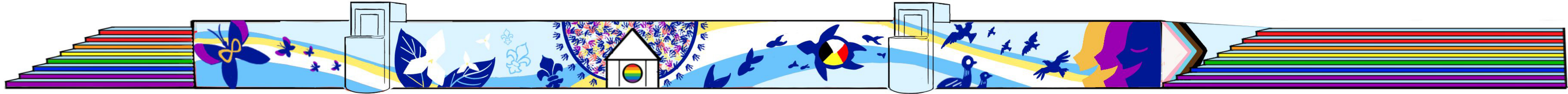
Mark A. Boileau - Jun 10, 2021 - 12:30 PM

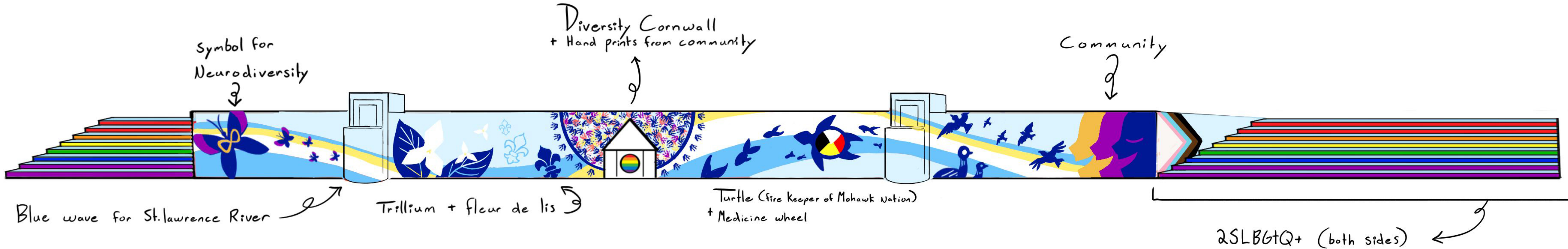
Tracey Bailey - Jun 10, 2021 - 1:38 PM

Maureen Adams - Jun 10, 2021 - 2:51 PM

Clock Tower Mural

Kathleen Tuck





The Corporation of the City of Cornwall
Regular Meeting of Council
Report

Department: Planning, Development and Recreation
Division: Planning
Report Number: 2020-323-Planning, Development and Recreation
Prepared By: Mark A. Boileau, General Manager
Meeting Date: June 22, 2020
Subject: Placemaking

Purpose

To provide Council with information concerning Placemaking in the community, as requested in a Motion approved on February 10, 2020.

Recommendation

- a. That Council receive Report 2020-323-Planning, Development and Recreation; and
- b. That the City seek public input regarding urban placemaking designs, either through the Recreation Master Plan review, or within a Waterfront Project if applicable, or through a separate public communications request; and,
- c. That staff continue to work with local businesses in creating or expanding parklets and patios.

Financial Implications

Placemaking can occur both on public and private property. When it occurs on the City's property, staff will include improvement costs within its Operating

Budget when required funds are minor; major projects would be requested annually through Capital Projects.

Strategic Priority Implications

This initiative meets the Corporate Strategic Priorities in: 1. Developing the waterfront; 2. Care and provide for the needs of the community; and 3. Accommodate pop-up businesses.

Background / Discussion

Following the presentation by Ms. Kelly Bergeron on February 10, 2020, Council requested that administration prepare a report.

What is Placemaking?

According to information provided by the Ontario Professional Planners Institute, *Placemaking is a movement that re-imagines public spaces as the heart of every community. Rooted in community-based participation and grass roots collaboration, Placemaking guides the planning, design, management and programming of public spaces and capitalizes upon a community's assets – social and physical, as well as creative - to create vibrant destinations that serve a local as well as regional audience.*

As indicated in Ms. Bergeron's presentation, it can foster a community's sense of pride in, and ownership of, their public spaces. She provided two examples which have been reviewed, as follows.

Project #1: Paint Pitt and Second Crosswalk.

Ms. Bergeron's presentation included a few colourful crosswalk designs implemented in other communities, which incorporated street art. While the idea would certainly add to the vibrancy of the downtown and any other proposed locations, it raised some concern regarding liability for the municipality. The following information was therefore sought.

Comments from BFL Canada, the City's Insurance provider:

We have received a number of questions from other Municipalities that are considering the same type of projects. What is clear is that prior to proceeding, the Insurers want to understand exactly what is done. After conversations with a Municipal lawyer, here is some information that I believe would be helpful as guidance.

“My guess is these types of crosswalks have not been tested in court. Crosswalks have looked the same for many years. If the party who caused the loss, e.g. a motorist, sited he or she did not know it was a crosswalk, I have no idea if that would be considered reasonable and potentially result in a higher settlement against the municipality. Reason being, if the courts believed that the contributing factor in the accident was the untraditional crosswalk, the portion of negligence against the municipality could be increased and the portion of negligence against the driver decreased. The other difficulty is, depending on the severity of the accident, even if the motorist limits were exhausted, the municipality carries a much higher limit.”

In general terms, from a risk and claims perspective, until we can do more research, speak with legal counsel and get their further thoughts, my recommendation would be to not move forward unless providing full project information to us.

In addition to the above, Municipal Works typically need to repaint any roadway markings twice annually, particularly in heavier traffic areas such as downtown intersections. As a result, there would be an annual cost to repaint the artwork. It should be noted that the paint used for roadway line painting is a specialized and more expensive paint which bonds to the surface. If paint other than pavement marking paint was used for the artwork, it would likely wear off shortly after it was placed. The Ministry of Transportation (MTO) mandates the various types of paint and colour that can be used for pavement markings. If a large area was repainted on annual basis, it can often become very slippery after several paint coats have been applied which will increase possible liability for the City.

Roadway line painting is provincially regulated and must follow the Ontario Traffic Manual (OTM). As such, the line painting of crosswalks in the City follows the design details stipulated in the OTM which also includes the colour and reflectivity of the paint. The line painting at crosswalks provides a basic form of regulatory protection for the pedestrian crossing the road. If crosswalks were not painted in accordance with the OTM, the City could be held liable if an accident ever occurred. As such, painting artwork at crosswalks which experience high traffic volumes is not recommended. The proposed artwork may be most suitable for a surface which is only utilized by pedestrians. Additionally, artwork at City crosswalks was also considered as part of Heart of the City's Centretown Streetscape Revitalization Plan but was not included/recommended at that time due to the same concerns.

While creative designs may not be supported for city streets and intersections for the above reasons, various pedestrian surfaces may be suitable. For example, hard surfaces within Lamoureux Park, the Benson Centre, the new Justice Building courtyard, the Provincial Courtyard off Pitt Street (City owned), and the Civic Complex are all areas that can be reviewed. As per the definition of Placemaking, the public can be invited to participate in the process. The City could seek design ideas from the community, which could then be voted on and implemented at a later date.

Project #2: Parklet Design Build Competition:

Ms. Bergeron's presentation included a parklet design proposal for the Pitt Street block from Second to Third Streets. Her report outlined the following:

Parklets repurpose part of the street next to the sidewalk into a public space for people. These small parks provide amenities like seating, planting, bicycle parking, and art. While they are funded and maintained by neighboring businesses, residents, and community organizations, they are publicly accessible and open to all. Parklets reflect the diversity and creativity of the people and organizations who sponsor and design them. They also reflect the City's commitment to encouraging walking, bicycling, and strengthening our communities.



Staff's report to Council dated May 25, 2020 on the subject of 'Closing Pitt Street' outlined a number of options in this area, including the Woonerf 'bump outs' which can accommodate public spaces or restaurant patios for example. In addition, there are numerous lanes and squares, such as the Justice Building courtyard, Provincial Courtyard, George Assaly Lane, Urquhart Lane, Truffles courtyard, and First Street Pop-up park which can accommodate more private or public opportunities. Finally, the City's Encroachment Agreement can review proposals for the use of public right-of-way (including parking bays) for restaurant patios.

The COVID-19 pandemic has created a situation where the approvals process for many of these ideas is far more streamlined and simplified. In fact on Friday, June 12, staff and Ms. Bergeron met with a number of restaurant owners in the downtown to have preliminary conversations on their plans for outdoor space.

While all restaurants in Cornwall were contacted with a description of how we could assist, we are currently working with the following businesses:

- Spicy Pearl
- Birchwood Cafe
- Simply Jennifer
- Spinners Diner
- Truffles Burger Bar
- Schnitzel's European Flavours
- Edward's Bistro
- Riley's
- Val and Paulie's Diner
- Esca
- Rendez-Vous
- Brunch on Pitt
- The Glengarrian
- Lola's
- Village Diner



- Thum's Kitchen
- Rurban
- Au Vieux Duluth
- Hops and Barley – Best Western Inn
- Boston Pizza
- St. Lawrence Blvd.
- La Maison
- Stomping Grounds
- East Side Marios
- Shoeless Joes
- Wing House



When utilising public space, a brief agreement, including insurance coverage by the business, is required.

Our intention is to assist any restaurant or retailer with outdoor opportunities, where possible.





With respect to City materials to install in public places, or to assist private businesses if possible, staff are reviewing its inventory to determine what may be available.

As an example, the City has painted several park picnic tables in vibrant colours to be established throughout the downtown and Le Village.

Cornwall Waterfront:

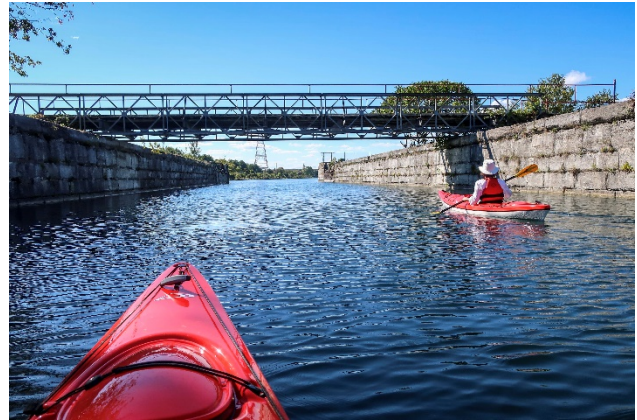
The City's Waterfront Plan, approved in August 2019, was also referenced in Ms. Bergeron's report. Of course, the Plan includes a number of enhancements or new creations for public space within the City's five districts, including the following projects (not inclusive, but selected few):

Guindon Park

- Campground
- Beach
- Floating playground

Canal Lands

- Wakeboard Cable Water Park
- Ice skating/rowing on canal
- Creation of Canal Park



Lamoureux Park

- Lamoureux Park Promenade
- Augustus Street Swing Bridge
- Major Street Gateways

Harbour to College

- Pointe Maligne
- Off-leash Dog Park



- New Public Building (washrooms, ice cream, bicycle rentals, café, etc.)

East Front

- Various lookouts
- NAV Centre dock
- Boundary Road Boat Launch enhancements.



Many of these projects were arrived at with considerable community engagement. The next step is to establish a new Waterfront Committee, which will assist in implementing the projects recommended in the Plan.

Potential Future Projects:

Ms. Bergeron's report outlined other potential future projects.

- Cornwall Public Library Front Entrance Space: we would look to the Library administration to assist with a design, including community input, for this prominent space. In the past, a café has been established; this could be reconsidered, or other options reviewed. It is typically a very warm area during the summer months.
- Downtown Murals: Additional murals can be considered for the community, such as an image of Bob Turner as suggested. The challenge with murals is often maintenance costs, and finding willing property owners.
- Brick and Mortar Pop-up: The City is currently working to establish pop-up businesses. Small Sea Containers were purchased and were planned for the summer 2020, however COVID has affected its implementation. We are however giving thought to various options for these.
- Lit up Cornwall sign: Staff have considered this idea for Cornwall, as established in many other cities. There is of course a cost to it, which needs to be budgeted for. It can fall into a Waterfront project, or be an urban design contest as part of the Recreation Master Plan, or on its own.
- Community Ideas: Staff are supportive of requesting additional ideas, either through existing websites, or through a specific site for urban design.

Report Approval Details

Document Title:	Placemaking - 2020-323-Planning, Development and Recreation.docx
Attachments:	
Final Approval Date:	Jun 17, 2020

This report and all of its attachments were approved and signed as outlined below:

Maureen Adams - Jun 17, 2020 - 9:15 AM

The Corporation of the City of Cornwall
Regular Meeting of Council
Report

Department: Corporate Services
Division: Clerk's Division
Report Number: 2021-79-Corporate Services
Prepared By: Manon Levesque, City Clerk
Meeting Date: June 28, 2021
Subject: Temporary Closure of Pitt Street for Summer Weekends

Purpose

To allow for a temporary closure of Pitt Street from Second Street to First Street and from First Street to 58 Pitt Street as requested by the Chamber of Commerce, the Downtown BIA and Schnitzel's European Flavours.

Recommendation

That Council authorize the temporary closure of Pitt Street from Second Street to First Street and from First Street to 58 Pitt Street on the dates requested.

Background / Discussion

The Cornwall Downtown BIA wishes to host a temporary weekend(s) closure(s) of Pitt Street, south of Second Street to the north of First Street and also South of First Street to the north side of the Cornwall Square entrance.

The request was circulated to all Departments and the organizer provided written notice to all merchants and businesses within the geographical area of the suggested street closure giving them the opportunity to provide their comments.

Cornwall Transit

Although only two (2) bus stops are within the requested blocked area, the detour will affect many more bus stops on Montreal Road including the Cornwall Square, the Cornwall Civic Complex and the Aquatic Centre.

The actual detours for the Montreal Road route and the Riverdale routes will be:

- From Pitt and Second to:
- East on Second Street
- North on Sydney
- West on Third Street
- South on Augustus Street
- East on Water Street (Montreal Road Route)
- West on Water Street (Riverdale Route)
- And regular route

Fire Services

We always have a concern regarding street closures and pedestrians in the street concerning emergency responses. We are in support of the closure as long as the entry is maintained open with temporary barriers and seating from the restaurants does not impede the street access for our apparatus. Foot traffic is fine, but we need to ensure our vehicles can still access the street in the case of an emergency.

Cornwall Police Service

There may be slight increases in response times and the need for barriers to be movable in the event emergency vehicles required urgent access. Our concerns would not stand in the way of the approval of such a closure, however, we would want the ability to document the potential concerns and have them on record, to alert Council or Administration to any liability concerns.

Traffic

From a traffic perspective, this is feasible as long as the appropriate 'road closure' signage is in place and access is provided for emergency vehicles.

Access to the Mall from Pitt Street should remain open.

Planning

Because of the insurance requirements, Downtown BIA will be the organizer and will be responsible for its provision.

In order to accommodate any emergency vehicles, the curb-to-curb portion of the right-of-way would be for pedestrians only and could be cleared for emergency vehicles if necessary.

As with other encroachments to date, vendors or eateries will be required to enter into a Temporary Encroachment Agreement with the City if they propose to utilize the sidewalk or bricked areas for sales apparatus, seating, etc. In these situations, they may also be required to provide insurance coverage.

Insurance Coverage

The DBIA will secure a policy for insurance coverage in which the City will be named as additional insured. In the event that there is a claim in which the City is named, the DBIA policy will respond first.

To clarify, the City has identified the following insurance requirements for this activity:

- Broad form Commercial General Liability policy for a limit of not less than \$5 Million dollars on a per occurrence basis with respect to third party liability claims for bodily injury, property damage, and personal injury. The policy needs to include and show:
 - Premises and operations liability, contractual liability, liquor liability (if serving alcohol), cross liability, several liability, and severability of interest clause
 - The Corporation of the City of Cornwall to be added as an additional insured

- If the insurance policy is to be amended, cancelled, or allowed to lapse, the City of Cornwall is to be provided with thirty (30) days prior written notice by Registered Mail

Merchants

One request was received from the owner of Echo Trends to stop the closure at 58 Pitt Street in order to allow access to a shared driveway to parking between Echo Trends and Pot of Gold located at 54 Pitt Street and 44 Pitt Street respectively. Accordingly, the closure would include the area directly in front of 58 Pitt Street and would not continue to the front of 54 Pitt Street and 44 Pitt Street to the entrance of the Cornwall Square.

Proposed Time(s) of closure hours:

1. Thursday, July 1, 2021, from 11:00 a.m. to Sunday, July 4, 2021
2. Friday, July 9, 2021, at 4:00 p.m. to Sunday, July 11, 2021, at 8:00 p.m.
3. Friday, July 16, 2021, at 4:00 p.m. to Sunday, July 18, 2021, at 8:00 p.m.
4. Friday, July 23, 2021, at 4:00 p.m. to Sunday, July 25, 2021, at 8:00 p.m.
5. Friday, 30, 2021, at 4:00 p.m. to Sunday, August 1, 2021, at 8:00 p.m.
6. Friday, August 6, 2021, at 4:00 p.m. to Sunday, August 8, 2021, at 8:00 p.m.
7. Friday, August 13, 2021, at 4:00 p.m. to Sunday, August 15, 2021, at 8:00 p.m.
8. Friday, August 20, 2021, at 4:00 p.m. to Sunday, August 22, 2021, at 8:00 p.m.
9. Friday, August 27, 2021, at 4:00 p.m. to Sunday, August 29, 2021, at 8:00 p.m.
10. Friday, September 3, 2021, at 4:00 p.m. to Sunday, September 5, 2021, at 8:00 p.m.

Should this request be approved, the organization will be responsible to comply with the aforementioned requirements and the City's Corporate Policy on Temporary Street Closures for Special Events including notification, public advertisement, contacting all emergency services, arrange for detour routes and temporary signage, commercial general liability, and indemnification.

The Organizer must demonstrate how they will comply with the applicable COVID-19 public health and workplace safety measures as outlined by the Province of Ontario's Roadmap to Reopen Regulation, which is enforced locally by the Eastern Ontario Health Unit.

Accessibility Impact

During the summer, patios have been extended to the sidewalks sometimes creating barriers to persons with disabilities who rely on assistive devices. The temporary road closure will allow persons with disabilities to move around freely on the road without fear of traffic.

Document Title:	Temporary Closure of Pitt Street for Summer Weekends - 2021-79-Corporate Services.docx
Attachments:	- DBIA Summer Weekends.pdf - Temporary Street Closure Letter to Businesses.pdf
Final Approval Date:	Jun 24, 2021

This report and all of its attachments were approved and signed as outlined below:

Geoffrey Clarke - Jun 24, 2021 - 2:02 PM

Maureen Adams - Jun 24, 2021 - 4:30 PM

APPENDIX A
TEMPORARY STREET CLOSURE
APPLICATION FORM

Date: 2021-06-18

Organizing committee name: Cornwall Downtown BIA

Mailing address: 158 Pitt Street, Cornwall, ON

Contact person: Hassan Rafiei

Phone number: 613-938-8844

Purpose of Street Closure: To allow businesses to have patios and retail outside on the sidewalks and to bring lost revenue back to downtown business due to the Covid restrictions.

Proposed date(s) of closure beginning: July 1st, 2021

Terminating: September 5th, 2021

Proposed Time(s) of closure hours:

1. Thursday, July 1, 2021, from 11:00 a.m. to Sunday, July 4, 2021
2. Friday, July 9, 2021, at 4:00 p.m. to Sunday, July 11, 2021, at 8:00 p.m.
3. Friday, July 16, 2021, at 4:00 p.m. to Sunday, July 18, 2021, at 8:00 p.m.
4. Friday, July 23, 2021, at 4:00 p.m. to Sunday, July 25, 2021, at 8:00 p.m.
5. Friday, 30, 2021, at 4:00 p.m. to Sunday, August 1, 2021, at 8:00 p.m.
6. Friday, August 6, 2021, at 4:00 p.m. to Sunday, August 8, 2021, at 8:00 p.m.
7. Friday, August 13, 2021, at 4:00 p.m. to Sunday, August 15, 2021, at 8:00 p.m.
8. Friday, August 20, 2021, at 4:00 p.m. to Sunday, August 22, 2021, at 8:00 p.m.
9. Friday, august 27, 2021, at 4:00 p.m. to Sunday, August 29, 2021, at 8:00 p.m.
10. Friday, September 3, 2021, at 4:00 p.m. to Sunday, September 5, 2021, at 8:00 p.m.

Geographical area suggested to be closed:

Pitt Street, south of Second Street to north of First Street. South of First Street to North of Cornwall Square entrance.

Signature of Authorized Committee Member

Title _____

Signature of Authorized Committee Member

Title _____

APPENDIX B
TEMPORARY STREET CLOSURE

Schnitzels European Flavours
158 Pitt St, Cornwall Ontario
613-938-8844
hassan@schnitzels.ca

2021-06-18

General Notice
Temporary street closure

We Cornwall Downtown BIA wish to host a temporary weekend(s) closure as of July 1st, 2021 at 11:00am to Sunday July 4th at 8:00pm and every weekend till September 5th, 2021 between the hours of 4:00pm Friday to 8:00pm Sunday and will be asking Municipal Council endorsement for permission to close, on a temporary basis, Pitt Street, south of Second Street to north of First Street and also South of First Street to the north side of the Cornwall Square entrance.

As part of the Municipal a Temporary Street Closure Policy, we wish to notify you of our pending request. In accordance to Section 11 (a) (b), you have an opportunity to provide your comments no later than (7 days from date of letter) in writing and address it to the Clerk's Office located at 360 Pitt Street, Cornwall, ON, K6H 3P9, by fax 613-933-1860 or by email mlevesque@cornwall.ca.

The proposed Detour Route, suggested by the Municipal Transportation Section is enclosed for information purposes.

Respectfully,

Signature of Two Authorized Committee

Committee Member PRINT

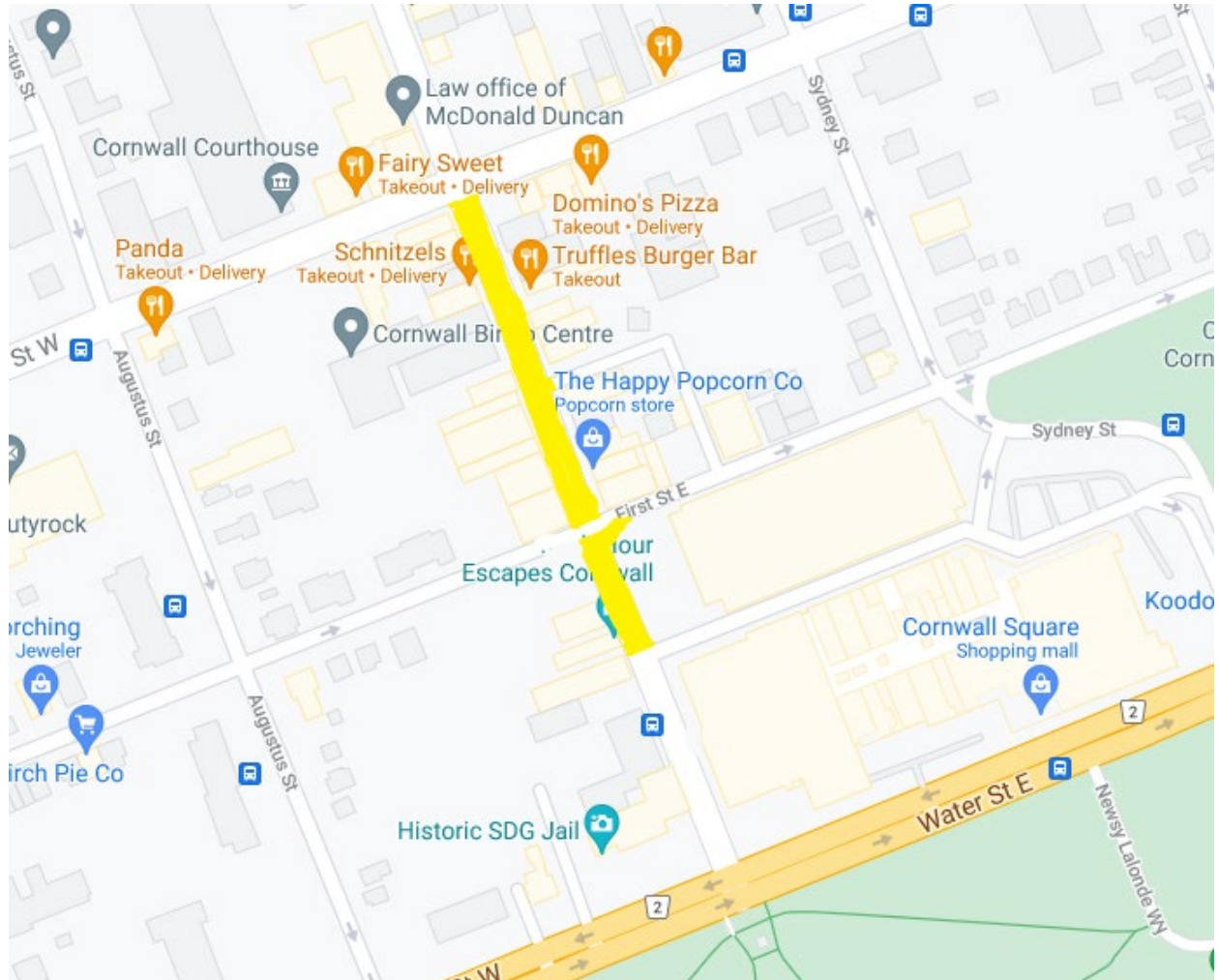
Members Required Title

Committee Member

PRINT

Cc: Municipal Clerk's Department

Temporary Street Closure on Pitt Street. In yellow it will indicate the area that is being requested for weekend closures during the summer months. Pitt Street, south of Second Street to north of First Street. South of First Street to North of Cornwall Square entrance.



Manon Levesque

From: noreply@salesforce.com on behalf of Greg Pietersma
<pietersma@cornwallchamber.com>
Sent: Friday, June 18, 2021 2:22 PM
To: Manon Levesque
Subject: General Notice Temporary street closure

[External E-mail]

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

June 16th, 2021

Official application form with complete details can be viewed

here: <https://documentcloud.adobe.com/link/review?uri=urn:aaid:scds:US:136c9d31-5634-4e20-b745-1ac95ac7acbc>

We Cornwall Downtown BIA wish to host a temporary weekend(s) closure as of July 1st, 2021 at 11 am to Sunday, July 4th at 8 pm and every weekend till September 5th, 2021, between the hours of 4 pm Friday to 8 pm Sunday and will be asking Municipal Council endorsement for permission to close, on a temporary basis, Pitt Street, south of Second Street to the north of First Street and also South of First Street to the north side of the Cornwall Square entrance.

As part of the Municipal a Temporary Street Closure Policy @, we wish to notify you of our pending request. In accordance with Section 11 (a) (b), you have an opportunity to provide your comments no later than (7 days from the date of the letter) in writing and address them to the Clerk's Office located at 360 Pitt Street Cornwall, ON, K6H 3P9.

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4. Friday, July 23, 2021, at 4:00 p.m. to Sunday, July 25, 2021, at 8:00 p.m.
5. Friday, 30, 2021, at 4:00 p.m. to Sunday, August 1, 2021, at 8:00 p.m.
6. Friday, August 6, 2021, at 4:00 p.m. to Sunday, August 8, 2021, at 8:00 p.m.
7. Friday, August 13, 2021, at 4:00 p.m. to Sunday, August 15, 2021, at 8:00 p.m.
8. Friday, August 20, 2021, at 4:00 p.m. to Sunday, August 22, 2021, at 8:00 p.m.
9. Friday, August 27, 2021, at 4:00 p.m. to Sunday, August 29, 2021, at 8:00 p.m.
10. Friday, September 3, 2021, at 4:00 p.m. to Sunday, September 5, 2021, at 8:00 p.m.

Respectfully,

Josh Casselman
President
DBIA



The Corporation of the City of Cornwall
Regular Meeting of Council
Report

Department: Corporate Services
Division: Clerk's Division
Report Number: 2021-78-Corporate Services
Prepared By: Manon Levesque, City Clerk
Meeting Date: June 14, 2021
Subject: Unfinished Business Listing for June 14, 2021

Recommendation

That Council receive the Unfinished Business Listing for June 14, 2021.

Title	Department	Date
Temporary Road Closure During Summer's Weekend - June 14, 2021	Corporate Services	June 28, 2021
Rainbow Crosswalk in Celebration of Pride Week - May 10, 2021 - June 14, 2021	Planning, Development and Recreation Infrastructure and Municipal Works	June 28, 2021
Electoral System Review – Public Consultation - November 25, 2019 - January 13, 2020 - September 28, 2020	Town Hall	July 12, 2021
Parking During Pandemic and Parking Program Working Group Recommendations - May 11, 2020 - June 8, 2020 - September 13, 2020 - January 11, 2020 - January 25, 2021	Parking Program Working Group	August 9, 2021

Residential Rental Licensing Public Consultation Results - November 13, 2018 - June 8, 2020 - October 13, 2020 - April 26, 2021	Fire Services, Social Services and Planning, Development and Recreation	August 9, 2021
Petition for Crosswalk on Second Street West (Riverdale Terrace) - February 24, 2020 - January 22, 2021	Infrastructure and Municipal Work	Summer 2021
Urban Agriculture and Outdoor Gardening – COVID-19 - May 11, 2020 - June 22, 2020 - April 26, 2021	Planning, Development and Recreation	Zoning By-law
Creation of Remote Worker Attraction Strategy - January 10, 2020	Working Group	TBD
Newspaper Digitization Project - November 9, 2020	CAO	TBD
Actionable Items from Environment and Climate Change Committee - October 26, 2020	Infrastructure and Municipal Works	TBD
Domtar Properties - February 22, 2021	CAO	TBD
CIL Property - February 22, 2021	CAO	TBD
Social Media Policy - March 22, 2021	Council Working Group	TBD
Remediation of Gas Stations Upon Closing - April 12, 2021	Infrastructure and Municipal Works and Planning, Development and Recreation	TBD
Grading By-law - April 26, 2021	Planning, Development and Recreation	TBD
Use of Surveillance Cameras on Private Property May 10, 2021	Planning, Development and Recreation	TBD
Intersection of Vincent Massey Drive and Tollgate Road West	Infrastructure and Municipal Works	TBD

Document Title:	Unfinished Business Listing for June 28, 2021 - 2021-78-Corporate Services.docx
Attachments:	
Final Approval Date:	Jun 24, 2021

This report and all of its attachments were approved and signed as outlined below:

Geoffrey Clarke - Jun 24, 2021 - 11:34 AM

Maureen Adams - Jun 24, 2021 - 11:44 AM

The Corporation of the City of Cornwall
Regular Meeting of Council
Report

Department: Planning, Development and Recreation
Division: Building and By-law
Report Number: 2021-110-Planning, Development and Recreation
Prepared By: Charles Bray, Deputy Chief Building Official
Meeting Date: June 28, 2021
Subject: Introduction to an Administrative Monetary Penalty System

Purpose

To introduce an innovative and alternative approach to addressing minor By-Law infractions within the City of Cornwall. An Administrative Monetary Penalty System (AMPS) is a cost-effective method for Municipal By-Law Officers to address less serious violations in a timely fashion. The current COVID-19 pandemic has overwhelmed our provincial court system, as a result there have not been regular court proceedings in well over a year.

An AMPS Program would offer individuals with the opportunity to dispute a Penalty Notice. A Screening or Hearing Officer would be able to review a dispute based on the merit; either affirming, amending, or rescinding a Penalty Notice.

Recommendation

That Council accept Report 2021-110 and draft By-Law to establish an Administrative Monetary Penalty System, as presented and proceed to further direct administration to prepare a By-Law for consideration at a future Council meeting.

Financial Implications

By-Law Services' primary goals while enforcing municipal By-Laws include; ensuring public safety, maintaining community standards which contribute to the quality of life in the community and managing behavioural and nuisance issues to promote a harmonious living environment. Our mandate is to achieve compliance with municipal By-Laws through education, mediation, and as necessary, enforcement and prosecution.

Enforcement and prosecution are the two most costly approaches however sometimes necessary. An Administrative Monetary Penalty System (AMPS) would provide a more cost-effective approach to prosecution. When Officers are to prepare and appear in Court these costs quickly add up. Preparing court briefs, conferring with the municipal prosecutor, physically appearing and waiting in court for their matter to be heard, all account for some of these costs and are also responsible for diverting staff resources away from their primary focus in the community.

Strategic Priority Implications

The introduction of an Administrative Monetary Penalty System (AMPS) supports Pillar 3.3 of the Strategic Plan "looking at options to increase enforcement of property standards, building & fire codes". The AMPS Program will allow officers to focus on responding to calls for service, as opposed to preparing files for Court. The AMPS Program is a far less bureaucratic process in nature and is streamlined, convenient and citizen friendly. Furthermore, the implementation of the AMPS Program supports the City of Cornwall's vision of providing strong and effective municipal services.

Background / Discussion

1. What is an Administrative Monetary Penalty System (AMPS)?

This is an emerging approach to dealing with minor By-Law infractions, in a manner that is fair, effective and efficient. This approach has been adopted by numerous municipalities, the province and the federal government and is designed to streamline the enforcement process and increase compliance with the City of Cornwall's Municipal By-Laws.

The AMPS program of enforcement transfers By-Law disputes from the courtroom to the municipality through the use of independent Screening and Hearing Review Officers who are able to affirm, cancel, or modify penalties. This approach aids in reducing congestion in the Courts as well as providing a more local and accessible dispute resolution system.

In Ontario, the use of municipal AMPS is legislated under the Municipal Act, 2001. This measure was introduced to help the over-burdened Courts by streamlining the process to handle minor By-Law infractions.

2. How is an AMPS Program better?

Resolving minor By-Law infractions could potentially take months in the congested Court system. The new AMPS program helps to speed up the process by resolving these minor By-Law infraction matters in weeks while maintaining an individual's right to request a review of their Penalty Notice.

The **AMPS Program** is more effective because:

- Citizens can resolve minor By-Law matters in a more convenient and citizen-friendly environment;
- The City is more capable in dealing with minor By-Law infractions in a timely manner;
- Citizens may request an extension of time in which to request a review by a Screening or Hearing Review Officer;
- Citizens may request an extension of time to pay a penalty from a Screening or Hearing Review Officer;
- It reduces congestion in provincial Courts;
- Better use of Court time and other resources for more serious matters; and
- Adheres to the overall Strategic Plan of the City in increasing options to achieve compliance with Municipal By-Laws.

3. What are Penalty Notices?

A Penalty Notice is very much the same as a “ticket” except it requires payment of a penalty instead of a fine. The Penalty Notice is issued by a Municipal By-Law Enforcement Officer to an individual when they have committed a By-Law infraction in the very same manner as a ticket or notice of offence.

4. Do Penalty Notices cost more than traditional fines?

Penalty Notices issued under the AMPS Program do not cost more than traditional fines. However, in certain cases, additional administrative fees may be applied to the original penalty amount, such as, a late payment or not appearing for a screening or a hearing.

5. What is the difference between a Screening Review or a Hearing Review?

There is no cost to conduct either a Screening or Hearing Review. A Screening Review is an initial review by a Screening Officer to review a disputed Penalty Notice based on merit. This is very similar to our current “First Attendance” for Parking violations. If an individual is not satisfied with the Screening Officer’s decision, it may be appealed to a Hearing Officer for further review. A Hearing Officer is an appointed Official with experience in administrative law and an understanding of the *Statutory Power Procedure Act* to ensure a fair and impartial hearing.

The Officer would render a decision to affirm, amend, or rescind a Penalty Notice. Additionally, an Officer could provide for additional time to make a payment as deemed required.

6. What is the difference between the City’s current process and an AMPS Program?

Essentially the current process and an AMPS Program are very similar, and the transition is fairly seamless. The benefits to an AMPS Program are an effective and efficient manner to resolve minor By-Law violations for all parties involved.

Document Title:	Introduction to an AMPS Program 2021-110.docx
Attachments:	- Draft - AMPS By-Law.pdf
Final Approval Date:	Jun 24, 2021

This report and all of its attachments were approved and signed as outlined below:

Mark A. Boileau - Jun 23, 2021 - 9:00 AM

Tracey Bailey - Jun 24, 2021 - 10:22 AM

Maureen Adams - Jun 24, 2021 - 11:40 AM

DRAFT BY-LAW - AMPS BY-LAW

1.0 SHORT TITLE

- 1.1 This By-Law may be referred to as the “Administrative Monetary Penalty By-Law”.

2.0 DEFINITIONS

- 2.1 “**Administrative Fee**” means any fee specified in the By-Law;
- 2.2 “**Administrative Penalty**” means an administrative penalty established by this By-Law for a contravention of a Designated By-Law forming part of the By-Law;
- 2.3 “**AMPS**” means an Administrative Monetary Penalty System;
- 2.4 “**Authorized Representative**” means someone appearing on behalf of a Person in accordance with a written authorization provided upon request to the Chief Municipal Law Enforcement Officer, and who is not required to be licensed by any professional body;
- 2.5 “**Chief Municipal Law Enforcement Officer**” means the Manager of the Building & By-Law Division or their delegate;
- 2.6 “**City**” means The Corporation of the City of Cornwall;
- 2.7 “**Council**” means the Council of the City;
- 2.8 “**Day**” means any calendar day;
- 2.9 “**Designated By-Law**” means a By-Law, or a part or provision of a By-Law, that is designated under this or any other By-Law, and is listed in any Schedule of this By-Law to which AMPS applies;
- 2.10 “**Hearing**” means the process set out in this By-Law;
- 2.11 “**Hearing Decision**” means a notice that contains a decision made by a Hearing Officer;
- 2.12 “**Hearing Officer**” means a person who performs the functions of a Hearing Officer in accordance with this By-Law and pursuant to the City’s Hearing Officer By-Law, as amended;

- 2.13 **“Hearing Non-Appearance Fee”** means an Administrative Fee established by Council from time to time in respect of a Person’s failure to appear at the time and place schedule for a review before a Hearing Officer and listed in Schedule “B”;
- 2.14 **“Holiday”** means a Saturday, Sunday, any statutory holiday in the Province of Ontario or any Day the offices of the City are officially closed for business;
- 2.15 **“Late Payment Fee”** means an Administrative Fee established by Council from time to time in respect of a Person’s failure to pay an Administrative Penalty with the time prescribed in this By-Law and listed in Schedule “B”;
- 2.16 **“MTO Fee”** means an Administrative Fee established by Council from time to time for any search of the records of, or an inquiry to, the Ontario Ministry of Transportation, or related authority, and listed in Schedule “B”;
- 2.17 **“Officer”** means a Provincial Offences Officer of the City or other person appointed by or under the authority of a City By-Law to enforce By-Laws;
- 2.18 **“Penalty Notice”** means a notice given to a Person pursuant to this By-Law;
- 2.19 **“Penalty Notice Date”** means the date of the contravention specified on the Penalty Notice in accordance with this By-Law;
- 2.20 **“Penalty Notice Number”** means the reference number on the Penalty Notice that is unique to the Penalty Notice in accordance with this By-Law;
- 2.21 **“Person”** includes an individual or a business name, sole proprietorship, corporation, partnership, or limited partnership, or an authorized representative thereof, and in relation to vehicle, parking or traffic related contraventions, whose name appears on the vehicle permit as provided by the Ontario Ministry of Transportation. If the vehicle permit consists of a vehicle portion and licence plate portion, and different Person are named on each portion, the Person whose name appears on the licence plate portion, as provided by the Ontario Ministry of Transportation, is the Person for the purposes of this By-Law;
- 2.22 **“Plate Denial Fee”** means an Administrative Fee established by Council from time to time in respect of a Person’s failure to pay within the time prescribed prior to a request for plate denial and listed in Schedule “B”;
- 2.23 **“Regulation”** means Ontario Regulation 333/07, as amended under the *Municipal Act*;
- 2.24 **“Request for Review by Hearing Officer”** means the request which is made in accordance with this By-Law for the review of a Penalty Notice;

- 2.25 **“Request for Review by Screening Officer”** means the request made in accordance with which is made in accordance with this By-Law for the review of a Screening Decision;
- 2.26 **“Review by Hearing Officer”** means the process set out in this By-Law;
- 2.27 **“Review by Screening Officer”** means the process set out in this By-Law;
- 2.28 **“Screening Decision”** means a notice which contains the decision of a Screening Officer;
- 2.29 **“Screening Non-Appearance Fee”** means an Administrative Fee established by Council from time to time in respect of Person’s failure to appear at the time and place scheduled for a review before a Screening Officer and listed in Schedule “B”;
- 2.30 **“Screening Officer”** means a person who performs the functions of a Screening Officer in accordance with the By-Law, appointed by the Chief Municipal Law Enforcement Officer;
- 2.31 **“Screening Review”** means the process set out in this By-Law;

3.0 APPLICATION OF THIS BY-LAW

- 3.1 The City By-Law, or portions of City By-Laws, listed in Schedule “A” of the By-Law shall be Designated By-Law for the purposes of sections 102.1 and 151 of the *Municipal Act* and paragraph 3(1)(b) of the Regulations. The tables in Schedule “A” set out the Administrative Penalties, and may include short form language to be used on Penalty Notices, for the contraventions of Designated By-Laws.
- 3.2 That Schedule “B” of this By-Law shall set out the Administrative Fees imposed for the purposes of this By-Law.
- 3.3 The *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended, shall continue to apply to contraventions of a Designated By-Law, except that no person that is required to pay an administrative penalty under this By-Law in respect of a contravention of a Designated By-Law shall be charged with an offence in respect of the same contravention under the Provincial Offences Act.

4.0 PENALTY NOTICE

- 4.1 Every Person who contravenes a provision of a Designated By-Law shall, upon issuance of a Penalty Notice, be liable to pay the City an Administrative Penalty in the amount specified in the Tables in Schedule “A” of this By-Law.

- a) An Officer has the discretion to apply an escalated penalty as prescribed in Tables in Schedule “A” if the same violation is repeated by the same person; or
 - b) If the violation is related to a property, the Officer must ensure the property ownership has not changed before applying the escalated penalty. Escalating penalties for the same violation apply to a property in perpetuity as long as the owner of the property has not changed.
- 4.2 An Officer who has reason to believe that a Person has contravened any Designated By-Law may issue a Penalty Notice as soon as reasonably practicable.

REQUIRED INFORMATION ON A PENALTY NOTICE

- 4.3 A Penalty Notice shall include the following information, as applicable:
- a) The Penalty Notice Date;
 - b) A Penalty Notice Number;
 - c) The date on which the Administrative Penalty is due and payable, fifteen (15) days from service of the Penalty Notice;
 - d) The identification number and signature of the Officer;
 - e) The contravention wording as listed in the Tables in Schedule “A” or other particulars reasonably sufficient to indicate the contravention;
 - f) The amount of the Administrative Penalty;
 - g) Such additional information as the Chief Municipal Law Enforcement Officer determines is appropriate, respecting the process by which a Person may exercise the right to request a Screening Review of the Administrative Penalty; and
 - h) A Statement advising that an unpaid Administrative Penalty, including any applicable Administrative Fee(s), will constitute a debt of the Person to the City unless cancelled pursuant to Screening Review or Hearing Process.

METHOD OF SERVICE

- 4.4 In addition to the methods of service prescribed in section 8 of this By-Law, an Officer may serve the Penalty Notice on a Person by:
- a) affixing it to the vehicle in a conspicuous place at the time of a parking or traffic-related violation; or

b) delivering it personally to the Person,

i) when relating to a parking or traffic-related violation, the Person having care and control of the vehicle at the time of the contravention within seven (7) days of the violation; or

ii) for all other violation, within thirty (30) days of the violation.

4.5 No Officer may accept payment of an Administrative Penalty or Administrative Fee.

4.6 A Person who is served with a Penalty Notice and who does not pay the amount of the Administrative Penalty on or before the date on which the Administrative Notice is due and payable, shall also pay the City and applicable Administrative Fee(s).

5.0 VOLUNTARY PAYMENT OF PENALTY NOTICE

5.1 Where a Penalty Notice has been paid, the Penalty Notice shall not be subject to any further review.

5.2 A penalty Notice shall be deemed to have been paid when the amount and fees prescribed in Schedule “B”, as applicable, have been paid.

6.0 REVIEW BY SCREENING OFFICER

6.1 A Person who is served with a Penalty Notice may request that the Administrative Penalty be reviewed by a Screening Officer and shall do so on or before the date on which the Administrative Penalty is due and payable, and in accordance with the process set out in Section 6.4.

REQUEST FOR EXTENSION

6.2 If a Person has not requested a Screening Review on or before the date on which the Administrative Penalty is due and payable, the Person may request that the Chief Municipal Law Enforcement Officer extend the time to request a Screening Review to a date that is no later than forty-five (45) days after the Penalty Notice Date, in accordance with the process set out in section 6.4.

6.3 A Person’s right to request an extension of time for a Screening Review expires, if it has not been exercised, on or before forty-five (45) days after the Penalty Notice Date, at which time:

- a) The Person shall be deemed to have waived the right to request a Screening Review or request an extension of time for a Screening Review;
 - b) The Administrative Penalty shall be deemed to be confirmed; and
 - c) The Administrative Penalty shall not be subject to any further review, including a review by any Court.
- 6.4 A Person's Request for Review by Screening Officer or request for an extension of time to request a Screening Review are exercised by a submission in writing, in the prescribed form and in accordance with the directions on the prescribed form.
- 6.5 A Request for Review by Screening Officer or request for an extension of time to request a Screening Review shall be in accordance with the provisions of Section 8 of this By-Law.
- 6.6 A Request of Review by Screening Officer or a request for an extension of time to request a screening Review shall only be scheduled by the Chief Municipal Law Enforcement Officer if the person makes the request on or before the dates established in Sections 6.1 and 6.2 of this By-Law.

DISCRETION OF THE CHIEF MUNICIPAL LAW ENFORCEMENT OFFICER

- 6.7 The Chief Municipal Law Enforcement Officer may grant a request to extend the time to request a Screening Review where the Person demonstrates, to the satisfaction of the Chief Municipal Law Enforcement Officer in their sole discretion, that the existence of extenuating circumstances prevented the filing of the request within the prescribed timeline.
- 6.8 Where an extension of time to request a Screening Review is not granted by the Chief Municipal Law Enforcement Officer, the Administrative Penalty and any applicable Administrative Fee(s) are deemed to be confirmed. Notice of this decision will be provided by the Chief Municipal Law Enforcement Officer to the Person in accordance with Section 8 of this By-Law.
- 6.9 Where an extension of time to request a Screening Review is granted by the Chief Municipal Law Enforcement Officer, or when a Screening Review has been request in accordance with this Section, a Notice of an Appointment for Screening Review will be provided in accordance with Section 8.

METHOD OF SCREENING REVIEW

- 6.10 On a Screening Review of an Administrative Penalty, the Chief Municipal Law Enforcement Officer will direct that the Screening Review proceed by way of written

screening unless, in the Chief Municipal Law Enforcement Officer's discretion, an in-person or telephone appointment is required.

FAILURE TO ATTEND SCREENING

- 6.11 Where a Person fails to attend at the time and place scheduled for a Screening Review of an Administrative Penalty, or fails to provide requested documentation in accordance with a request by a Screening Officer:
- a) The Person shall be deemed to have abandoned the request for a Screening Review of the Administrative Penalty;
 - b) The Administrative Penalty as set out in the Penalty Notice shall be deemed to be confirmed;
 - c) The Administrative Penalty shall not be subject to any further review, including a review by any Court; and
 - d) The Person shall pay to the City a Screening Non-Appearance Fee, MTO fee, if applicable, and any other applicable Administrative Fee(s).

DUTIES OF SCREENING OFFICER

- 6.12 On a review of an Administrative Penalty, the Screening Officer may:
- a) affirm the Administrative Penalty if the Person has not established on a balance of probabilities that the Designated By-Law(s) was not contravened as described in the Penalty Notice; or
 - b) cancel, reduce the penalty and/or extend the time for payment of the Administrative Penalty, including any Administrative Fee(s), where, in the sole discretion of the Screening Officer that doing so would maintain the general intent and purpose of the Designated By-Law, and/or any of the following circumstances exist:
 - i) defective form or substance on the Penalty Notice;
 - ii) method of service of the Penalty Notice did not occur in accordance with Section 7; or
 - iii) undue financial hardship.
- 6.13 After a Review by Screening Officer, the Screening Officer shall issue a Screening Decision to the Person, delivered in accordance with Section 8 of this By-Law.

- 6.14 A Screening Officer has no authority to consider question relating to the validity of a statute, regulation or By-Law or the constitutional applicability or operability of any statute, regulation or By-Law.

7.0 REVIEW BY HEARING OFFICER

- 7.1 A Person may Request a Review by Hearing Officer withing thirty (30) days of issuance of a Screening Decision in accordance with the Hearing Officer By-Law, as amended from time to time.

REQUEST FOR EXTENSION

- 7.2 If a Person has not requested a Review by Hearing Officer on or before the date on which the Administrative Penalty is due and payable, the Person may request that the Chief Municipal Law Enforcement Officer extend the time to request a Review by Hearing Officer to a date that is not later than forty-five (45) days after the Screening Decision date, in accordance with the process set out in Section 7.4 of this By-Law.
- 7.3 A Person's right to request an extension of time for a Hearing Review expires, if it has not been exercised, on or before forty-five (45) days after the Screening date, at which time:
- a) the Person shall be deemed to have waived the right to request a Review by Hearing Officer or request an extension of time for a Review by Hearing Officer;
 - b) the Screening Decision is confirmed; and
 - c) the Administrative Penalty shall not be subject to any further review, including a review by any court.
- 7.4 A Person's right for Review by Hearing Officer or request for an extension of time to request a Review by Hearing Officer are exercised by a submission in writing, on the prescribed form and in accordance with the directions on the prescribed form.
- 7.5 A Request for Review by Screening Officer or request for an extension of time to request a Screening Review shall be served in accordance with the provision of Section 8 of this By-Law.
- 7.6 A Request for Review by Hearing Officer or a request for an extension of time to request a Review by Hearing Officer shall only be scheduled by the Chief Municipal Law Enforcement Officer if the Person makes the request on or before the dates established by Sections 6.1 or 6.2 of the By-Law.

DISCRETION OF THE CHIEF MUNICIPAL LAW ENFORCEMENT OFFICER

- 7.7 The Chief Municipal Law Enforcement Officer may grant a request to extend the time to request a Review by Hearing Officer only where the Person demonstrates, to the satisfaction of the Chief Municipal Law Enforcement Officer in their sole discretion that they were not served in accordance with Section 7 of this By-Law.
- 7.8 Where an extension of time to request a Review by Hearing Officer is granted by the Chief Municipal Law Enforcement Officer, or when a Review by Hearing Officer has been requested in accordance with this Section, Notice of a Hearing will be provided in accordance with Section 8 of this By-Law.

FAILURE TO ATTEND HEARING

- 7.9 Where a Person fails to appear at the time and place scheduled for a Hearing:
- a) the Person shall be deemed to have abandoned the Request for Review by Hearing Officer;
 - b) the Screening Decision and the Administrative Penalty and any Administrative Fee(s) shall be deemed to be confirmed;
 - c) the Screening Decision and the Administrative Penalty and any Administrative Fee(s) shall not be subject to any further review, including a review by any Court; and
 - d) the Person shall pay to the City a Hearing Non-Appearance Fee, Late Payment Fee, MTO Fee if applicable and any other applicable Administrative Fee(s).

METHOD OF HEARING

- 7.10 A Hearing Officer shall conduct a de novo Hearing in accordance with the *Statutory Powers and Procedures Act*, R.S.O. 1990, c. S.22, as amended and the Hearing Officer By-Law as amended from time to time.
- 7.11 The Parties to a Hearing shall be the Person seeking review and the City, who may attend through the Chief Municipal Law Enforcement Officer, a Screening Officer, an Officer, the City Solicitor, or a delegate of any of the above persons.
- 7.12 Any information contained in the Penalty Notice is admissible in evidence as proof of the facts certified in it, in the absence of evidence to the contrary. If a Person wishes to challenge the facts contained in the Penalty Notice, they will be required to mark the prescribed form accordingly.

DUTIES OF HEARING OFFICER

7.13 Upon the conclusion of a Hearing, the Hearing Officer shall:

- a) confirm the Screening Decision; or
- b) cancel, reduce the penalty and/or extend the time for payment of the Administrative Penalty, including any Administrative Fee(s), on the following grounds:
 - i) where the Person establishes on a balance of probabilities that the Designated By-Law(s) as described in the Penalty Notice was not contravened; or
 - ii) where the Person establishes on a balance of probabilities that the cancellation, reduction or extension of time for payment of the Administrative Penalty, including an Administrative Fee(s), is necessary to relieve an undue financial hardship.

7.14 A Hearing Officer has no authority to consider questions relating to the validity of a statute, regulation or By-Law or the constitutional applicability or operability of any statute, regulation or By-Law.

DECISION OF HEARING

7.15 After a Hearing is complete, the Hearing Officer shall issue a Hearing Decision to the Person, and deliver in accordance with the Hearing Officer By-Law.

7.16 The decision of a Hearing Officer is final.

8.0 SERVICE OF DOCUMENTS

8.1 The service of any document, notice or decision, including a Penalty Notice, pursuant to this By-Law, when served in any of the following ways, is deemed effective service:

- a) immediately, when a copy is delivered by personal service to the Person to whom it is addressed or, in the case of a Penalty Notice relating to a parking or traffic-related violation, by affixing it to the vehicle in a conspicuous place at the time of the violation;
- b) on the seventh (7th) Day following the date a copy is sent by registered mail or by regular mail to the Person's last known address;
- c) immediately upon the conclusion of a copy by facsimile transmission to the Person's last known facsimile transmission number; or

- d) immediately upon sending a copy by electronic mail (i.e. email) to the Person's last known electronic mail address.
- 8.2 For the purposes of subsections 7.1 (b), (c) and (d) of this By-Law, a Person's last known address, facsimile number, and electronic mail address includes an address, facsimile number and electronic mail address provided by the Person to the City as may be required by a form, practice or policy under this By-Law.
- 8.3 If a notice document that is to be given or delivered to a Person under this By-Law is mailed to the Person at the Person's last known address appearing on the records of the City as part of a proceeding under this By-Law, or sent electronically to an email address that was provided by the Person, there is a rebuttable presumption that the notice or document is given or delivered to the Person.
- 8.4 A Person shall keep their contact information for service current by providing any change in address, facsimile, or electronic mail address to the Chief Municipal Law Enforcement Officer, immediately. Failure to comply with this section will negate consideration for an extension of time to Request a Review by Hearing Officer pursuant to Section 7.4.

EFFECTIVE SERVICE

- 8.5 Where this By-Law requires service by a Person on the City, service shall be addressed to the Chief Municipal Law Enforcement Officer, and shall be deemed effective:
 - a) Immediately, when a copy is delivered by personal service to the Chief Municipal Law Enforcement Officer at the location prescribed on the applicable form or notice;
 - b) On the seventh (7th) Day following the date a copy is sent by registered mail or by regular mail to the location prescribed on the applicable form or notice
 - c) Immediately with respect to electronic mail or upon the conclusion of a copy by facsimile transmission to the facsimile number listed on the applicable form or notice.

9.0 ADMINISTRATION

- 9.1 The Chief Municipal Law Enforcement Officer shall administer this By-Law and establish any additional practices, policies, penalties and procedures necessary to implement this By-Law and may amend such practices, policies, penalties and procedures from time to time as the Chief Municipal Law Enforcement Officer deems necessary, without amendment to this By-Law.

PRESCRIBED FORMS

- 9.2 The Chief Municipal Law Enforcement Officer shall prescribe all forms and notices, including the Penalty Notice, necessary to implement this By-Law and may amend such forms and notices from time to time as the Chief Municipal Law Enforcement Officer deems necessary, without amendment to the By-Law.

ADMINISTRATIVE PENALTY & FEES

- 9.3 Any Administrative Fee(s) prescribed within Schedule “B” of this By-Law shall be added to and be deemed part of the penalty amount unless otherwise rescinded by the Hearing Officer.
- 9.4 Where an Administrative Penalty is not paid by the date on which the Administrative Penalty is due and payable, the Person shall pay to the City a Late Payment Fee, in addition to the Administrative Penalty and any applicable Administrative Fee(s).

NON-SUFFICIENT FUNDS

- 9.5 Where a Person makes payments to the City of any Administrative Penalty, Administrative Fee(s) or Late Payment Fee(s), by negotiable instrument or credit card, for which there are insufficient funds available in the account on which the instrument was drawn, the Person shall pay to the City the NSF Fee set out in the City’s Fees and Charges By-Law, as amended.
- 9.6 An Administrative Penalty, including and Administrative Fee(s), that is confirmed or reduced, or in respect of which the time for payment has been extended, remaining unpaid after the date when it is due and payable, constitutes a debt to the City owed by the Person.

COLLECTION OF DEBT OWED TO THE CITY

- 9.7 Where an Administrative Penalty, including any applicable Administrative Fee(s) or Late Payment Fee(s), are not paid within fifteen (15) days after it becomes due and payable shall be deemed to be unpaid taxes and may be collected in the same manner as taxes in accordance with section 434.2 of the *Municipal Act*, 2001.

PLATE DENIAL

- 9.8 Where an Administrative Penalty, involves a vehicle, the City may notify the Registrar of Motor Vehicles, resulting in plate denial. At the time that plate denial is requested a plate denial fee will be added in accordance with Schedule “B” of this By-Law and shall be added to the total debt owed to the City.

CANCELLATION

- 9.9 Where an Administrative Penalty is cancelled by a Screening Officer or Hearing Officer, and Administrative Fee(s) are also cancelled.

AUTHORIZED REPRESENTATIVE

- 9.10 An Authorized Representative is permitted to appear on behalf of a Person at a Screening Review or Review by a Hearing Officer, or to communicate with the City on behalf of a Person in accordance with a written authorization satisfactory to the Chief Municipal Law Enforcement Officer.

HOLIDAY

- 9.11 Any time limit that would otherwise expire on a Holiday is extended to the next day that is not a Holiday.

PROOF OF FINANCIAL HARDSHIP

- 9.12 A Person claiming financial hardship under this By-Law shall provide documented proof of the financial hardship to the Chief Municipal Law Enforcement Officer, the Screening Officer or the Hearing Officer, as applicable.

SCHEDULES

- 9.13 Any Schedule attached to the By-Law shall be deemed to form part of this By-Law.

ORDER TO RESTRAIN

- 9.14 Sections 431 and 440 of the *Municipal Act*, 2001, S.O. 2001, c. 25, apply to this By-Law, providing respectively, for a Court of competent jurisdiction to prohibit the contravention or repetition of an offence, and, upon application of the City, for a Court to make Orders to Restrain a contravention, which remedies may be sought in addition to any remedy or penalty imposed under this By-Law.
- 9.15 Nothing in the By-Law shall limit the City's right to enforce a Designated By-Law by any other and all legal means.

10.0 SEVERABILITY

- 10.1 Should any provision, or any part of a provision of this By-Law be declared invalid, or to be of no force and effect by a court of competent jurisdiction, it is the intent of Council that such a provision, or part of a provision, shall be severed from this By-Law, and

every other provision of the By-Law shall be applied and enforced in accordance with its terms to the extent possible according to law.

11.0 INTERPRETATION

- 11.1 The Provisions in Part VI of the Legislation Act, 2006, S.O. 2006, c. 31 Sched. F, as amended, shall apply to this By-Law.
- 11.2 Where words and phrases used in this By-Law are defined in the *Highway Traffic Act*, but not defined in the By-Law, the definitions in the *Highway Traffic Act* shall apply to such words and phrases.

12.0 EFFECTIVE DATE

- 12.1 This By-Law shall come into full force and effect on the date it is passed.

13.0 RESERVED

Schedule "A"

Designated By-Law under the provisions of the Administrative Monetary Penalty System

The following By-Laws shall be considered Designated By-Laws as defined in the Administrative Monetary Penalty System By-Law (AMPS):

Designated By-Law	Table	By-Law Number
Animal Control By-Law	1	112-1998
Open-Air Burning	2	2020-119
Property Standards	3	2014-191
Streets By-Law	4	061-1992
Smoking	5	2020-040
Yard Maintenance	6	2013-212

1. Column 1 in the following tables sets out the Designated By-Laws.
2. Column 2 in the following tables sets out the Short Form Wording to be used in a Penalty Notice to describe the violation of the corresponding Designated By-Law in Column 1.
3. Column 3 in the following tables set out the Administrative Penalty payable for the violation of the corresponding Designated By-Law in Column 1, starting the day the Penalty Notice is issued until 15 days later. After 15 days, late fees may apply.

Schedule “B”

Designated By-Law under the provisions of the Administrative Monetary Penalty System

The following Administrative Fees shall be considered Administrative Fees as defined in the Administrative Monetary Penalty System By-Law (AMPS):

Administrative Fee Description	Fee Amount
MTO Fee	\$ 10.00
Plate Denial Request Fee	\$ 20.00
Late Payment Fee	\$ 25.00
Screening Non-Appearance Fee	\$ 50.00
Hearing Non-Appearance Fee	\$ 100.00

Note: Fees listed in Schedule “B” to this By-Law will be subject to Harmonized Sales Tax (H.S.T.) where applicable.

The Corporation of the City of Cornwall
Regular Meeting of Council
Report

Department: Corporate Services
Division: Clerk's Division
Report Number: 2021-82-Corporate Services
Prepared By: Manon Levesque, City Clerk
Meeting Date: June 28, 2021
Subject: Process to Fill a Vacant Seat of Council

Purpose

To provide Council with information on the process to fill a vacant seat of Council.

Recommendation

That Council choose from one of the following three options:

- a. appoint amongst the current Members of Council to fill the vacancy of the Mayor's position; or
- b. require a by-election to be held to fill the vacancy in accordance with the Municipal Elections Act, 1996 and direct Administration to set a date for a by-election; or
- c. fill the vacancy by appointing a person who has consented to accept the office if appointed.

Background / Discussion

On Monday, June 21, 2021, Bernadette Clement provided written notification to Council, Administration and the City Clerk of her resignation of the seat of the Office of the Mayor as required by the Municipal Act which was to take place immediate effect. Ms. Clement resignation took effect concurrently with her becoming a member of the Parliament of Canada as a Senator for the Province of Ontario and for our nation, at the request of the Right Honourable Justin Trudeau, Prime Minister of Canada.

With the departure of Ms. Clement, a vacancy has occurred for the seat of Mayor. As outlined in the Municipal Act, where a vacancy has been created for the seat of the Mayor, Council will need to determine the manner in which to fill the vacancy at a Council meeting.

Subsequently, council will need to choose one of the following three (3) options in replacing the vacant seat of Mayor within sixty (60) days of the seat being declared vacant. They are as follows:

- a. appoint amongst the current Members of Council to fill the vacancy of the Mayor's position; or
- b. require a by-election to be held to fill the vacancy in accordance with the Municipal Elections Act, 1996; or
- c. fill the vacancy by appointing a person who has consented to accept the office if appointed.

Option A - Council Appointment

Council can fill the vacancy by appointing a current Member of Council to fill the vacancy of the Mayor's position. The appointment must be made within sixty (60) days of declaring the seat vacant.

If Council were to choose this option, any member of Council can forward their name for nomination by way of motion, and then an open vote of the remainder of Council would decide on whom would replace the seat of Mayor.

Members who would stand for nomination would not be permitted to vote during this process, as it is considered a conflict of interest.

Option B - By-Election

The option of a By-election remains available to Council as well. This process would similarly follow the process and procedures of a regular election but would be for the sole purpose of replacing the seat of the Mayor.

If Council should wish to proceed with a by-election for the vacant seat, there are potentially significant costs and resources involved in conducting the by-election that could be similar to those costs of conducting a regular full election. Despite the by-election being for the one vacant seat, when considering the voting stations, tabulators, staffing, etc., these costs could potentially be materially similar to those to those costs of the 2018 election, which was approximately \$180,000.

Likewise, should Council consider a by-election to replace the vacant Mayoral seat, the election would be required within 105 days of the seat being declared vacant.

The detailed timelines for this option would be as follows:

Declaration of Vacant Seat	June 28, 2021
Deadline for Adoption of By-Election By-Law (+60 days)	August 27, 2021
Voting Day (+45 days)	October 11, 2021

Option C – Current Member of Council

Council can fill the vacancy by appointing a person from the community who has consented to accept the office if appointed. This can be any person from the community and can be forwarded by way of motion at a Council meeting. The remainder of Council would conduct an open vote, and with an established majority the person would be appointed to the vacant seat of Mayor.

The appointment must be made within sixty (60) days of declaring the seat vacant.

Document Title:	Process to Fill a Vacant Seat of Council - 2021-82-Corporate Services.docx
Attachments:	
Final Approval Date:	Jun 24, 2021

This report and all of its attachments were approved and signed as outlined below:

Geoffrey Clarke - Jun 24, 2021 - 5:33 PM

Maureen Adams - Jun 24, 2021 - 5:46 PM

The Corporation of the City of Cornwall

Regular Meeting of Council

By-law 2021-074

Department: Planning, Development and Recreation

Division: Planning

By-law Number: 2021-074

Report Number: 2021-105-Planning, Development and Recreation

Meeting Date: June 28, 2021

Subject: Renaissance Housing Rehabilitation Program 327-327B Guy

Whereas the Council of The Corporation of the City of Cornwall has provided in its Capital Budget monies to provide for loans/grants for the improvement of properties known as the Renaissance Housing Rehabilitation Program; and

Whereas, pursuant to the said Program, certain eligible applicants have applied for a loan/grant to improve their properties under the Rules provided by the Renaissance Program.

Now therefore be it resolved that the Council of The Corporation of the City of Cornwall enacts as follows:

1. That the Council hereby authorizes the following loan – RHRP#2021-10 1977562 Ontario Ltd being Lot 168 Plan 79 S/T & T/W S294407; Cornwall PIN#60154-0328 (LT) pursuant to a loan Agreement. (Municipal Address of 327-327B Guy);
2. That the Mayor and Clerk be and are hereby authorized to execute all documents to complete this matter; and
3. That this By-law take effect on the day of passing by City Council.

Read, signed, and sealed in open Council this 28th day of June, 2021.

Manon L. Levesque
City Clerk

Todd Bennett
Acting Mayor

Report Approval Details

Document Title:	By-law 2021-074 Renaissance 327 Guy - 2021-105-PDR.docx
Attachments:	
Final Approval Date:	Jun 23, 2021

This report and all of its attachments were approved and signed as outlined below:

Mary Joyce-Smith - Jun 11, 2021 - 1:49 PM

Mark A. Boileau - Jun 16, 2021 - 3:44 PM

Maureen Adams - Jun 23, 2021 - 8:17 AM

The Corporation of the City of Cornwall
Regular Meeting of Council
By-law Explanatory Note

Department: Planning, Development and Recreation
Division: Planning
Report Number: 2021-106-Planning, Development and Recreation
Prepared By: Dana McLean, Development Coordinator
Meeting Date: June 28, 2021
Subject: Renaissance Housing Rehabilitation Program 327-327B Guy Street

Purpose

The Purpose and Effect of this By-law is to allow the City Solicitor to register liens against properties approved under the Renaissance Housing Rehabilitation Program (RHRP#2019-10 327-327B Guy Street).

Background / Discussion

The City of Cornwall, under the Planning and Municipal Acts, respectively, administers the Renaissance Housing Rehabilitation Program Funding Incentive Programs which, in part, offer Forgivable Loans, primarily on a matching dollar basis to residential property owners within the designated Renaissance Community Improvement Area. The Loans are secured by a lien registered against the property for a period of 5 years, for example.

This By-law is necessary to allow the City to enter into said Funding Agreements and to subsequently register, on title, as applicable, said Agreements as Mortgages for each stated approved application and to further provide and administer municipal funds to the identified property owners under the RHRP initiative.

Report Approval Details

Document Title:	Note - Renaissance 327 Guy - 2021-106-PDR.docx
Attachments:	
Final Approval Date:	Jun 23, 2021

This report and all of its attachments were approved and signed as outlined below:

Mary Joyce-Smith - Jun 11, 2021 - 1:49 PM

Mark A. Boileau - Jun 16, 2021 - 3:43 PM

Maureen Adams - Jun 23, 2021 - 8:16 AM

The Corporation of the City of Cornwall
Regular Meeting of Council
By-law 2021-075

Department: Planning, Development and Recreation
Division: Parks and Recreation
By-law Number: 2021-021-PDR
Report Number: 2021-109-Planning, Development and Recreation
Meeting Date: June 28, 2021
Subject: A By-law to authorize The Corporation of the City of Cornwall to renew its Lease Agreement with the Boys and Girls Club of Cornwall for the use of the Broadview Park Clubhouse

Whereas The Corporation of the City of Cornwall has entered into a lease agreement with the Boys and Girls Club of Cornwall for the use of the clubhouse located in Broadview Park; and

Whereas it is desirable to renew the said Lease Agreement beginning on June 29, 2021, for a period of 5 years and renewable for an additional 5 years upon consent of both parties with all terms and conditions of the original lease agreement.

Now therefore be it resolved that the Council of The Corporation of the City of Cornwall enacts as follows:

1. The Corporation of the City of Cornwall be and is hereby authorized to enter into a Renewal Lease Agreement with the Boys and Girls Club of Cornwall for the rental of the clubhouse in Broadview Park for the period of June 29, 2021, to June 29, 2026, with a further 5 years upon mutual consent of both parties.
2. That the Mayor and Clerk be and are hereby authorized to execute all documents to complete this matter.

Read, signed, and sealed in open Council this 28th day of June, 2021.

Report Approval Details

Document Title:	Boys and Girls Club of Cornwall Lease Agreement - 2021-109-Planning, Development and Recreation.docx
Attachments:	
Final Approval Date:	Jun 23, 2021

This report and all of its attachments were approved and signed as outlined below:

James Fawthrop - Jun 22, 2021 - 1:39 PM

Mark A. Boileau - Jun 22, 2021 - 1:57 PM

Maureen Adams - Jun 23, 2021 - 8:18 AM

The Corporation of the City of Cornwall
Regular Meeting of Council
By-law 2021-

Department: Planning, Development and Recreation
Division: Parks and Recreation
By-law Number: 2021-076
Report Number: 2021-111-Planning, Development and Recreation
Meeting Date: June 28, 2021
Subject: A By-Law to authorize The Corporation of the City of Cornwall to enter into a Lease Agreement with the Ontario Hockey Academy for the use of the Benson Centre and the Ed Lumley Arena for the 2021-2022 period

Whereas The Corporation of the City of Cornwall is desirous of entering into a Lease Agreement with the Ontario Hockey Academy for the use of the Benson Centre and Ed Lumley Arena for the term beginning in 2021 and concluding in 2022; and

Whereas the said Agreement is for the term of one year, beginning August 15, 2021, to August 18, 2022, based on the User Fee Policy rates for all prime time hours on weeknights and weekends and at a 37.5% subsidy rate for all non-prime time hours; and

Whereas the contact will be in accordance with the Terms and Conditions set out in the existing Agreement.

Now therefore be it resolved that the Council of The Corporation of the City of Cornwall enacts as follows:

1. The Corporation of the City of Cornwall enter into a Lease Agreement with the Ontario Hockey Academy for the use of the Benson Centre and the Ed Lumley Arena for the period 2021-2022.
2. That the Mayor and Clerk be and are hereby authorized to execute all documents to complete this matter.

Read, signed, and sealed in open Council this 28th day of June, 2021.

Manon L. Levesque
City Clerk

Todd Bennett
Acting Mayor

Report Approval Details

Document Title:	By-law 2021-xxx Ontario Hockey Academy Lease Agreement - 2021-111-PDR.docx
Attachments:	
Final Approval Date:	Jun 23, 2021

This report and all of its attachments were approved and signed as outlined below:

James Fawthrop - Jun 23, 2021 - 8:48 AM

Mark A. Boileau - Jun 23, 2021 - 10:33 AM

Maureen Adams - Jun 23, 2021 - 4:38 PM

The Corporation of the City of Cornwall
Regular Meeting of Council
By-law 2021-

Department: Planning, Development and Recreation
Division: Parks and Recreation
By-law Number: 2021-
Report Number: 2021-108-Planning, Development and Recreation
Meeting Date: June 28, 2021
Subject: A By-law to authorize The Corporation of the City of Cornwall to renew its Lease Agreement with the Champs East Side Boxing Club and Jorge Luis for the use of the St. Joseph Park Clubhouse

Whereas The Corporation of the City of Cornwall has entered into a lease agreement with Jorge Luis of the Champs East Side Boxing Club for the use of the Clubhouse located in St. Joseph Park.

Whereas it is desirable to renew the said lease agreement beginning on June 29, 2021 for a period of 5 years and renewable for an additional 5 years upon consent of both parties with all terms and conditions of the original lease agreement.

Now therefore be it resolved that the Council of The Corporation of the City of Cornwall enacts as follows:

1. The Corporation of the City of Cornwall enter into a renewal lease agreement with Jorge Luis of the Champs East Side Boxing Club for the rental of the clubhouse in St. Joseph Park for the period of June 29, 2021, to June 29, 2026.
2. That the Mayor and Clerk be and are hereby authorized to execute all documents to complete this matter.

Read, signed, and sealed in open Council this 28th day of June, 2021.

Report Approval Details

Document Title:	East Side Boxing Club Lease Agreement - 2021-108-Planning, Development and Recreation.docx
Attachments:	
Final Approval Date:	Jun 23, 2021

This report and all of its attachments were approved and signed as outlined below:

James Fawthrop - Jun 22, 2021 - 1:41 PM

Mark A. Boileau - Jun 22, 2021 - 1:59 PM

Maureen Adams - Jun 23, 2021 - 8:19 AM

The Corporation of the City of Cornwall
Regular Meeting of Council
By-law 2021-077

Department: Planning, Development and Recreation
Division: Parks and Recreation
By-law Number: 2021-077
Report Number: 2021-108-Planning, Development and Recreation
Meeting Date: June 28, 2021
Subject: A By-law to authorize The Corporation of the City of Cornwall to renew its Lease Agreement with the Champs East Side Boxing Club and Jorge Luis for the use of the St. Joseph Park Clubhouse

Whereas The Corporation of the City of Cornwall has entered into a lease agreement with Jorge Luis of the Champs East Side Boxing Club for the use of the Clubhouse located in St. Joseph Park.

Whereas it is desirable to renew the said lease agreement beginning on June 29, 2021 for a period of 5 years and renewable for an additional 5 years upon consent of both parties with all terms and conditions of the original lease agreement.

Now therefore be it resolved that the Council of The Corporation of the City of Cornwall enacts as follows:

1. The Corporation of the City of Cornwall enter into a renewal lease agreement with Jorge Luis of the Champs East Side Boxing Club for the rental of the clubhouse in St. Joseph Park for the period of June 29, 2021, to June 29, 2026.
2. That the Mayor and Clerk be and are hereby authorized to execute all documents to complete this matter.

Read, signed, and sealed in open Council this 28th day of June, 2021.

Report Approval Details

Document Title:	East Side Boxing Club Lease Agreement - 2021-108-Planning, Development and Recreation.docx
Attachments:	
Final Approval Date:	Jun 23, 2021

This report and all of its attachments were approved and signed as outlined below:

James Fawthrop - Jun 22, 2021 - 1:41 PM

Mark A. Boileau - Jun 22, 2021 - 1:59 PM

Maureen Adams - Jun 23, 2021 - 8:19 AM

The Corporation of the City of Cornwall
Regular Meeting of Council
Confirming By-law 2021-078

Department: Corporate Services
Division: Clerk's Division
By-law Number: 2021-078
Report Number 2021-84-Corporate Services
Meeting Date: June 28, 2021
Subject: Confirming By-law for the Meeting of June 28, 2021

A By-law to adopt, ratify and confirm the proceedings of the Council of The Corporation of the City of Cornwall at its meetings held on Monday, June 28, 2021.

Whereas Section 5(1) of the Municipal Act, S.O. 2001, c.24 thereto provides that the powers of a municipal Corporation shall be exercised by its Council; and

Whereas Section 5(3) of the Municipal Act, S.O. 2001, c.24 and amendments thereto, provides that the powers of Council are to be exercised by By-law: and

Whereas in many cases action which is taken or authorized to be taken by Council does not lend itself to the passage of an individual By-law; and

Whereas Section 248 provides that if a council passes a comprehensive general by-law that consolidates and includes the provisions of any By-law previously passed by the Council; and it is deemed expedient that a By-law be passed to authorize the execution of agreements and other documents and that the proceedings of the Council of The Corporation of the City of Cornwall at this meeting be confirmed and adopted by By-law.

Now therefore be it resolved that the Council of The Corporation of the City of Cornwall enacts as follows:

1. (a) That the following Minutes of the Public Meetings of the Municipal Council of The Corporation of the City of Cornwall be and the same are hereby adopted:

(i) Regular Public Meeting of Council #2021-19 of Monday, June 14, 2021

(b) That the following Minutes of the In Camera Meeting pertaining to the security or part of the property of the Municipality or Local Board, personal matters about an identifiable individual, including municipal or Local Board employees, a proposed or pending acquisition or disposition of land by the Municipality or Local Board, labour relations or employee negotiations, litigation or potential litigation, including matters before administrative tribunals, affecting the Municipality or Local Board, advice that is subject to solicitor-client privilege, including communications necessary for the purpose, a matter in respect of which a Council, Board, Committee other body may hold a closed meeting under another Act, or for the purpose of educating or training the members and where no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee, be and the same are hereby adopted:

(i) Regular In-Camera Committee of Council #2021-06 of Monday, May 10, 2021

(c) That the actions of the Council at its meetings held on Monday, June 28, 2021, in respect of each recommendation contained in all reports of the regular and in-camera meetings and in respect of each motion, resolution and other action taken by the Council at its said meeting is, except where the prior approval of the Ontario Municipal Board or other authority is by law required, hereby adopted, ratified and confirmed as if all such proceedings were expressly embodied in the By-law;

(d) That the above-mentioned actions shall not include any actions required By-law to be taken by resolutions.

2. That where no By-law has been or is passed with respect to the taking of any action authorized in or by the above mentioned Minutes or with respect to the exercise of any powers by the Council in the above mentioned Minutes, then this By-law shall be deemed for all purposes to be the By-law required for approving and authorizing and taking of any action authorized therein or thereby, or required for the exercise of any powers therein by the Council.
3. The Acting Mayor and proper officials of The Corporation of the City of Cornwall are hereby authorized and directed to do all things necessary to give effect to the above-mentioned actions and to obtain approvals where required.
4. Unless otherwise provided, the Acting Mayor and Clerk are hereby authorized and directed to execute and the Clerk to affix the seal of The Corporation of the City of Cornwall to all documents necessary to give effect to the above-mentioned actions.
5. It is declared that notwithstanding that any section or sections of this By-law or parts thereof, may be found by any court of law to be bad or illegal or beyond the power of the Council to enact, such section(s) or part(s) hereof shall be deemed to be severable and that all other sections or parts of this By-law are separate and independent there from and enacts as such.

Read, signed and sealed in open Council this 14th day of June, 2021.

Manon L. Levesque
City Clerk

Todd Bennett
Acting Mayor

Report Approval Details

Document Title:	Confirming By-law for the Meeting of June 28, 2021 - 2021-84-Corporate Services.docx
Attachments:	
Final Approval Date:	Jun 24, 2021

This report and all of its attachments were approved and signed as outlined below:

Geoffrey Clarke - Jun 24, 2021 - 12:04 PM

Maureen Adams - Jun 24, 2021 - 2:07 PM