

Minutes of a regular meeting of the Amherstburg Municipal Council held Monday, June 11, 2007 at 7:00 p.m.

PRESENT

Mayor Wayne Hurst
Deputy Mayor Robert Bailey
Councillor Rick Fryer
Councillor Robert Pillon
Councillor Paul Renaud
Councillor John Sutton
Councillor Rosa White

ALSO PRESENT

Frank Pizzuto, Chief Administrative Officer
David Mailloux, Clerk
Carol Bendo, H.R. Specialist/Dep. Clerk
Lou Zarlenga, Public Works Manager
George Balango, Manager of Development Services
Stephen Brown, Chief Building Official
Lory Bratt, Planning Coordinator
Ron Dzombak, Manager of Recreational Services
Rick Murray, Fire Chief
Tony Dethomasis, Roads/Parks Superintendent
Nick Renaud, IT
Dave Carpenter, Manager IT

PRAYER

Rev. Kirby Breithaupt of Wesley United Church said prayer.

DISCLOSURE OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

MINUTES OF PREVIOUS MEETING

Moved by R. Bailey, seconded by R. White that the minutes of a regular meeting of the Amherstburg Municipal Council held Monday, May 28, 2007 be adopted as amended as follows:

Page 6 – Correspondence Item #5 – Supplementary Agenda that “and any further extensions to the contract thereafter” be deleted.

Motion Carried

DELEGATIONS

Wayne Hurst welcomed those present and spoke briefly about the decorum that is followed in the Council Chambers. He requested that everyone refrain from applauding after a delegation has spoken. Delegations will be held to the five minute limit.

Linda Bertrand requested support for a fundraising calendar that she was creating to raise money for a historic landmark in this community, Christ Anglican Church, which was founded in 1796. She suggested that the Town sponsor the month of April as it has a picture of the Navy Yard Park and a poem about the Park in it. The cost would be \$200.00.

Moved by R. Pillon, seconded by R. Fryer that the presentation from Linda Bertrand regarding a fundraising calendar for Christ Anglican Church be received and that we approve the purchase of the month of April at a cost of \$200.00.

Motion Carried

Gord Freeman, as Chair of the Amherstburg Parks Committee, made a presentation regarding the lack of communication between the Parks Committee and the Town. The latest act of not revealing the plan for the road extension makes 6 events or acts on which the Parks Committee has not been consulted. The Parks Committee does not agree that the cutting of 19 trees is maintenance as suggested in Mayor Hurst's letter of May 30, 2007 letter to the Committee. The Master Plan states that the civic duty of a Master Plan is to promote the planting of trees. Not any time has the Administration commented on the replanting of trees. In total 52 trees have been removed over the last two years for a variety of reasons. Mr. Freeman asked what happened to public input on the road extension plan. The road extension plan was tendered as part of the Dalhousie Street resurfacing and the Parks Committee did not have an opportunity to review the plan. Having now reviewed the plans, there was no indication that trees or plantings had to be removed. An independent count shows there are 19 trees affected and more could suffer from the use of road building machinery. The "turnaround" shown opposite the Salmoni parking garage suspiciously looks like guest parking for the Salmoni Building. The Committee is not in favour of constructing the extended access road or the process that allowed it to go to tender. (June 7th Parks Committee resolution). The Committee feels that Council should pass a motion to reconsider the approval to construct the road extension and rescind the original motion. The access road should go back to its original location along the north face of the Salmoni Building. The square could then be redesigned using the money saved \$200,000 – 300,000 incorporating the existing trees and more trees that the Salmoni owners had promised to replace. Public input in the form of public meetings for the redesign of the square is a must in order that this phase be successful.

Motion by R. Bailey, seconded by R. White that we receive the presentation from Gord Freeman, Chair of the Amherstburg Parks Committee.

Motion Carried

Mickey Bezaire addressed Council regarding the Navy Yard Park. He was not here to point fingers. He was here because of the method that was used to proceed with this action. He felt that Council should have approved any action of this nature. Administration makes recommendations. Council makes decisions. Such a large change to our most precious possession should have at least been decided by Council. He understands that it is proposed to extend the roadway behind the condos to Murray Street and beyond. It appears that another cull of trees will be necessary. He feels that a roadway through the Park will bring unwanted traffic into the park and will cause more destruction. The existing roadway has worked fine up to now. He failed to attend the public meeting that was held regarding the Master Plan. The meeting was very poorly attended. Council should have realized then that the public was not aware of the scope of the actions that are going to take place in our park. He is requesting two things:

- 1) If you truly did not know or agree with the removal of the trees then replace them to their original location if at all possible;
- 2) That all future planned changes to the park, including the roadway, be put on hold until further discussion with the Parks Committee and the public at large.

Mr. Bezaire then asked if he could read Mr. Ken Thrasher's presentation as Mr. Thrasher was not able to attend.

Mr. Thrasher's letter expressed concern about the tree removal in the Kings Navy Yard Park and how this could have happened without public or committee input. He questioned who is really in charge in this Town. We have a beautiful park built by the hard work of Town people past and present. He felt that the park does not need to have any expensive changes especially when there are so many other areas where improvements need to be made. He begged Council to stop further development and the spending of money at the Kings Navy Yard Park. We need to know how the command came about and who is responsible for the cutting of trees. They should be held accountable. We need this park and future generations need this park. Do not allow a few local developments to encroach on our parks. Once parkland is gone it is gone. Keep it passive for everyone and for future generations to come.

Moved by R. Pillon, seconded by J. Sutton that we receive the presentations from Mickey Bezaire and Ken Thrasher.

Motion Carried

Mr. Al Gignac addressed Council regarding the tree cutting at the Kings Navy Yard Park. Mr. Gignac stated that he is a Town Employee with the Public Works Department however he is voicing his opinion strictly as a taxpayer. He was born and raised on Dalhousie Street and he watched both phases of Kings Navy Yard Park come to fruition. He maintained the park as a contractor for several years and as an employee of the Town has trimmed every tree in the Kings Navy Yard Park. Direction for park maintenance always had thorough approval from management and Council. Unfortunately he has seen many trees being removed in the park for a number of reasons – age, decay, trees dying because of poor soil conditions, disease, ash borer infestation, to accommodate construction. He feels that a horticultural homicide has been committed and all those involved in this crime must pay a price. Any future activity in or around the Kings Navy Yard Park without consultation with the community must be stopped.

Moved by R. Pillon, seconded by P. Renaud that we receive the presentation of Al Gignac.

Motion Carried

Donna Gignac addressed Council expressing concern about trees being taken down in the Kings Navy Yard Park without public awareness. She wondered about other decisions being made without public awareness of less visual issues. She had attended a public meeting regarding possible changes to the Park and was not aware of the fact that trees were to be removed. She is very concerned about not knowing who is responsible for the removal and whoever is responsible should pay for their transgressions. She finds it ironic that her husband Al Gignac, who has horticultural education, and complete knowledge of the park was denied acceptance as a member of the Parks Committee. In closing she stated that she felt any future activity in or around the Kings Navy Yard Park without consultation with the community must be stopped.

Moved by J. Sutton, seconded by R. Bailey that we receive the presentation from Donna Gignac.

Motion Carried

Diane Pouget addressed Council stating that the cutting of twenty trees in the Kings Navy Yard Park is an indication of a much larger problem that exists today in the Town of Amherstburg. Most members of Council claim that they were unaware of this approved destruction and then refused to disclose who is the perpetrator and the amount of the cost of the project. She was concerned who is in charge when the Mayor stated to the River Town Times (June 7th) that Council has not yet seen the plans for the new access road. Council disregarded public consultation or input from the Parks Committee regarding the destruction of the Splash Pool and the breaking of their own bylaw by not tendering a \$250,000 project indicates a very serious problem within this Council. Mr. Pizzuto's article in the Amherstburg Echo, April 17, 2007 Amherstburg is experiencing Tough Times for our Local Economy and People refers to many expensive infrastructure needs and yet Council refused to investigate this very expensive, detrimental form of destruction pertaining to our environment and plans on spending millions of dollars in a park that was already almost perfect. She asked that Council approve a full and speedy investigation into this matter and provide the public with full disclosure. She suggested that all trees be replaced, charge the people responsible for the twenty trees that were destroyed. Most importantly, halt all work in the Kings Navy Yard Park until these very serious problems have been resolved. She advised that a public meeting would be held at the Cultural Center the next evening.

Moved by R. White, seconded by P. Renaud that we receive the presentation of Diane Pouget and that administration provide a report on the costs for the Kings Navy Yard Park tree cutting, brick removal and replacement and related costs.

Motion Carried

Tom Kilgallin wished to address Council regarding the Brown & Storey report which cost the taxpayers \$28,000. First question is how, why and on what basis did the need for this \$28,000 report come from at a time when Essex County is experiencing difficult economic times. He felt that the Public Works Department has a reservoir of skilled and valuable landscape architectural knowledge along with other skilled employees who are more than capable of providing the necessary maintenance in the Park. He objected to an administration that has caused the removal of 19 beautiful healthy trees in the Kings Navy Yard Park, apparently without Council or Parks Committee approval. He also has strong objection to the proposed construction of a new roadway which will be a detriment to the rest of the park at a cost of \$160,000. with final figures perhaps higher. A physical tour of the area sees that 11 more trees would have to be removed or cut down. Winter maintenance (snow, salt) of this road will kill grass, flowers, trees and shrubs in this vicinity. He suggested that the 16 foot right-of-way north of the condo building be again used as the entrance as it was in the past. It provides adequate room for vehicles to gain access to the rear of the buildings, including delivery trucks and garbage trucks. By canceling the access road proposal, \$160,000 to \$200,000 plus of taxpayers' money would be saved. He also has serious concerns about the Parkette north of the Condo building. This area has been severely damaged during the condo construction. It is now time to have the developer bring it back to previous standards at no cost to the taxpayer. This assurance was given by Mayor/Council in newspaper editorials. Mr. Kilgallin requested that Council adopt a resolution agreeing to immediately stop/or postpone any and all further activities and/or changes to the Kings Navy Yard Park and further that Council agree to meet as soon as possible with the Parks Committee, along with concerned citizens of Amherstburg to review, discuss and evaluate all future changes and/or improvements proposed to the Kings Navy Yard Park. We want assurance from Council that the level and quality of our passive waterfront park as it was originally conceived and planned be maintained and preserved as a passive park for generations to come.

Moved by R. Pillon, seconded by R. Fryer that we receive the presentation from Tom Kilgallin.

Robert Pulleyblank addressed Council regarding the tree cutting and proposed road access in the Kings Navy Yard Park. He had the privilege of maintaining the Park for 19 years. Being interested in the proposed work he obtained a set of plans and found that there was very little mention of how the trees would be protected during construction. He listed the trees that would be cut down or damaged with a total of 18 trees plus the 19 trees already cut down which brings the total to 37.

Questions to Council included:

- 1) Did the Town of Amherstburg advertise that they will be cutting down trees – exception to Bylaw 2005-19 would be required?
- 2) Did the Town of Amherstburg advertise that the owner of the new Salmoni Building was exempt from Bylaw 2005-19?
- 3) Did the owner of the new Salmoni Building meet the required needs of the Bylaw or give written notice of cutting down of these trees and damage during construction?

I humbly request the following:

- a) I urge the Council to stop all work immediately in the Navy Yard Park and cancel any removal of proposed work in the current contract or tendered work.
- b) That the Council have an on-site public meeting to include residents, Parks Board and other concerned citizens.

- c) That Council empower the Parks Board and citizen groups to return to Council with a proposal and give them proper time and resources to do so.
- d) The existing site of the plaza is in a very dangerous state. I spent the best part of a day and saw no one doing any work but numerous people walking through the site. This is an accident waiting to happen. Very hazardous.

Moved by R. Pillon, seconded by R. Fryer that the Water Street portion of the road access project be deferred until we have a full investigation with the Parks Committee and that we engage the services of an arborist to comment on the possible affects of the proposed road access construction on the trees, etc. within 5 feet of the construction area.

Motion Carried

Senator Eugene Whelan addressed Council regarding the Kings Navy Yard Park. Mr. Whelan stated that he would not go over the entire history of the Kings Navy Yard Park however he was one of the original ones along with many other local people who put much effort into building a passive park for the people of this community so that people could enjoy looking at the river and watching the boats. He is ashamed at what is being done here. He was appalled at the presentation made by the engineer (referring to a working session that took place prior to the Council meeting). Mr. Whelan stated that he had written a letter in support of the Angileri/Salmoni building project. He had gone through the old building himself – no developer would touch it – he did support a new building. However, had he known what this project would do to the Park he would not have written that letter of support. He attended the Public Meeting regarding the Master Plan at the Culture Center. He was not satisfied with the presentation, it was poorly attended - he could not hear. He later had a meeting with CAO, Frank Pizzuto regarding the matter. With no one admitting who gave orders, he felt the tree cutting was a great act of vandalism and especially to do this on a holiday weekend – even when challenged by the Chairman of the Parks Committee.

Moved by R. White, seconded by R. Bailey that we receive Senator Whelan's presentation.

Motion Carried

Dr. Spellman addressed Council on the Kings Navy Yard Park tree cutting. Dr. Spellman stated that there was another aspect of this Park development that needs to be examined. Up until this time there has not been an environmental assessment of the damage that was done and the damage that will be done. This Council and Town is in violation of the Provincial Policy Statement with which you must be consistent. Council acts under the Municipal Act and other Acts. Council is in violation of the Provincial Policy Statement, which says you must preserve cultural and historic landscapes. The Town is also in violation regarding Fish Habitat and also the Endangered Species Act because it is the habitat of the Bald Eagle. There should be no alteration to habitat. All this is going on without a very basic impact study and no consultation with the Parks Committee and Environmental Committee. He understands that a halt of further activity will take place. He talked about a meeting being held at the Cultural Centre for the Parks Committee, concerned citizens and others. Environmental impact studies must be done. Work has been done without any concern for the environment. Debris is going into the Detroit River, a Heritage River. Some have said that there has been a breakdown in communications, others say that it was a deliberate act. In this room tonight the people are present who know who gave the orders. No one has the decency to come forward with answers. If things do not improve we will have lawn signs and events will be picketed.

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Moved by R. Pillon, seconded by R. Fryer that Administration further investigate the ramifications of doing work in the Kings Navy Yard Park with regard to Provincial & Federal regulations that may apply.

Motion Carried

Wayne Mickle addressed Council re: tree cutting and proposed road access. He stated that he had “copd” for which he goes to a London doctor for treatment. The doctor indicated that he felt the best way to make the air better was to plant trees. Mr. Mickle referred to an article in the Windsor Star (June 11th, 2007) which stated that reforestation is the main way to clean the air. He is requesting that the Town plant trees rather than cut them down. With regard to the road access proposal he just became aware of it. He asked that Council be true to their own policy of encouraging citizen participation.

Moved by J. Sutton, seconded by R. Bailey that we receive Mr. Mickle’s presentation.

Motion Carried

Nick Mancinone addressed Council as a resident of the Town, Vice-President of the Fort Malden Horticultural Society and a substitute member of the Parks Committee. He expressed concerns about the insulting treatment and disregard for the Parks Committee. He gave examples of encounters with staff. There was no mention to the Parks Committee about eliminating any trees or clearcutting any section of the park. He felt that the tree cutting issue cannot be solved without restitution. Otherwise this destruction of public property would be at taxpayers expense. In closing, Mr. Mancinone congratulated Council on having done improvements/repairs to the gazebo railing.

Moved by R. Fryer, seconded by R. Pillon that we replace trees in the same location where the previous trees were cut down in the Kings Navy Yard Park with trees of the same caliper, size, maturity and species and with concurrence of the Parks Committee and with a report being brought back to Council.

Recorded vote was requested	<u>Aye</u>	<u>Nay</u>
Deputy Mayor Robert Bailey		X
Councillor Fryer	X	
Councillor Pillon	X	
Councillor Renaud		X
Councillor Sutton		X
Councillor White		X
Mayor Hurst		X

Motion Defeated

Moved by J. Sutton, seconded by R. Bailey that we replace the trees that were cut down in the Kings Navy Yard Park, with the Parks Committee input, and also that the trees being replaced match as closely as possible with the size, number, caliper, species and location with the trees removed and with a report coming back to Council prior to anything being done.

Recorded vote was requested	<u>Aye</u>	<u>Nay</u>
Deputy Mayor Robert Bailey	X	
Councillor Fryer	X	
Councillor Pillon	X	
Councillor Renaud		X
Councillor Sutton	X	
Councillor White		X
Mayor Hurst		X

Motion Carried

Norma Sutherland on behalf of her late husband “Bob” Sutherland addressed Council regarding the Kings Navy Yard Park. Her husband loved Amherstburg. Although he worked in Toronto until 1984, he “lived” in Amherstburg. He had the idea of a Rhododendron Garden as a Tourist Attraction. He would have been devastated by what is happening in the Park today - in what was designed and promised as a passive park. Physical damage has been extensive and irreparable. Even if the proposed replacement is completed it will be many years before the attractiveness of the area is restored. Her purpose here tonight was to present a brief version of what she knew her late husband would have felt and said.

Moved by R. White, seconded by J. Sutton that we receive the presentation from Norma Sutherland on behalf of her late husband “Bob” Sutherland.

Motion Carried

Nancy Greenaway addressed Council regarding tree cutting procedures and approvals. Mrs. Greenaway stated that she had no formal presentation – she was speaking from her heart. When hearing about the tree cutting she was both angry and remorseful. Trees are there because of people before us who have planted and nurtured them. She is not an expert about trees. She sits as President of the Horticultural Society, Vice-President of the Chamber of Commerce, Zone Chairperson of the Lions Club. She feels that she is an expert in accountability. She is concerned about the procedure when the trees were cut down. Someone made a decision, perhaps the CAO should be taking responsibility, the Council says that they did not know about it but no one is stepping forward and taking responsibility for it. She appreciates efforts of Council to make things better, however, it costs money to take the trees down and will cost the taxpayers again to replace. She feels that Council should consult with the Parks Committee. They are volunteers and experts. She feels that the “someone” should come forward and admit being responsible for what was done. She also feels that mistakes happen, willful mistakes are not okay. She asked that Council make their decisions carefully in consultation with experts that you have. We need to pull this Town together all organizations and people. We all love this Town. From this point forward we want things to be done with due prudence, due thought and good conversation from people that care.

Following the delegations, Mayor and Council members summed up with the thought that we have to move forward, Mistakes have been made. As a community we need to stress the positive. There will be a public consultation process for the road access. Wayne Hurst as Mayor takes full responsibility. Accountability and public trust is very important. The taxpayers should hold the Council accountable. There was a breakdown in communication and Mayor Hurst apologized for that. He emphasized that this mistake will not happen again and that your comments and concerns have not fallen on deaf ears. Mayor Hurst asked that everyone support their Council in marketing the Town in a positive manner. Mayor Hurst thanked everyone for attending.

REPORTS OF MUNICIPAL OFFICERS

Report #1

St. Andrew Presbyterian Church is requesting to waive the fees for Toddy Jones Park - Sunday, June 24, 2007 for their annual church picnic.

Moved by P. Renaud, seconded by J. Sutton that the report from Carol Bendo, dated June 1, 2007 regarding St. Andrew Presbyterian Church request, be received and that Council waive the fees for Toddy Jones Park for the St. Andrew’s Church annual church picnic on Sunday, June 24th, 2007.

Motion Carried

Report #2

Good Shepherd Lutheran Church is requesting to waive the fees for Toddy Jones Park, Sunday, July 8, 2007 for their annual church picnic.

Moved by R. Fryer, seconded by R. Pillon that the report from Carol Bendo, dated June 5, 2007 regarding the request from Good Shepherd Lutheran Church, be received and that Council waive the fees for Toddy Jones Park for the Good Shepherd Lutheran Church congregational picnic on Sunday, July 8, 2007.

Motion Carried

Report #3

The Amherstburg Heritage Homecoming festival is scheduled for September 8th and September 9th which attracts approximately 1500 people over the 2 day event.

Moved by R. White, seconded by J. Sutton that the report from Carol Bendo, dated June 1, 2007 regarding the Amherstburg Heritage Homecoming Festival be received and that Council approve the following:

- request for Public Works support and items to be used for the September 8, 9, 2007 event.
- Approve road closure for parade route.
- An “affiliate” Town of Amherstburg insurance policy for the festival.
- Police escort for re-enactment & parade

These items are contingent on the committee obtaining insurance for the events beyond the river crossing that is already covered.

Motion Carried

Report #4

For information purposes the fire department submits a report on the activities on the Fire Department for the previous year.

Moved by J. Sutton, seconded by P. Renaud that the report from Fire Chief Richard Murray, dated May 30, 2007 regarding the activities of the fire department for the previous year be received and accepted.

Motion Carried

Report #5

Several changes in work patterns and activities have been realized in the Amherstburg Arena and in Centennial Park.

Moved by R. Bailey, seconded by R. Fryer that the report from Ron Dzombak, dated June 5, 2007 regarding changes in work patterns and activities in the Amherstburg Arena and in Centennial Park be received.

Motion Carried

Report #6

Staff, in the past few months have commenced on phase one of park improvements as reported to Council on April 10, 2007. As part of these improvements a total of 19 trees were removed for a variety of reasons. This report provides an overview of this action.

Moved by R. Pillon, seconded by J. Sutton that the report from Tony DeThomasis and Lou Zarlenga, dated June 6, 2007 regarding tree removal in Kings Navy Yard Park be received for information and discussion.

Council requested to know the reason for the change to the Tree Bylaw in 2005

Motion Carried

Report #7

This report deals with the progress of various construction projects currently underway in Amherstburg.

Moved by R. Bailey, seconded by J. Sutton that the report from Lou Zarlenga, dated June 6, 2007 regarding the construction projects update be received.

Motion Carried

Report #8

From an organizational perspective a Water & Wastewater Engineer position is long overdue. Operational requirements, the scope and size and complexity of our systems and maintenance requirements that can be completed in-house will make this position self sustaining.

Also further to the Walkerton Inquiry the Provincial Government is proposing continuing legislative changes pertaining to safe drinking water. The newest proposal is known as the "Municipal Drinking Water License Program" which will affect all aspects of drinking water in Ontario. In order to accommodate and comply with the legislative changes it will be necessary to assign dedicated personnel strictly to manage the compliance issues.

Moved by R. Bailey, seconded by R. White that the report from Lou Zarlenga, dated June 5, 2007 regarding a new position for Water and Wastewater Engineer be received and that Council approve implementation of a new management position for Water and Wastewater Engineer.

Motion Carried

Report #9

This report deals with lab results for water samples recently tested within the Town of Amherstburg per Ministry of Environment instructions.

Moved by R. Fryer, seconded by P. Renaud that the report from Lou Zarlenga, dated June 5, 2007 regarding testing for lead content in drinking water be received.

Motion Carried

Report #10

This report provides an update on the activities of West Nile Virus Control program and the mosquito nuisance control program.

Moved by J. Sutton, seconded by R. White that the report from Lou Zarlenga, dated June 5, 2007 regarding the West Nile Virus -2007 Control Program be received.

Motion Carried

Report #11

In June 2005 the Town received a letter from Stantec recommending the initial acceptance of the Kingsbridge Phase 4A development and that building permits could be issued. However, due to concerns with the base asphalt placement the Public Works Department delayed the council report to review the asphalt issue.

Moved by R. White, seconded by R. Fryer that the report from Lou Zarlenga, dated June 4, 2007 regarding final acceptance of underground infrastructure for Kingsbridge Subdivision Phase 4A be received and that Council concur with the latest recommendation of the Consulting Engineer and that the Town removes the underground work from maintenance as of May 14, 2007 for the Kingsbridge Subdivision Phase 4A (Whelan Avenue and Hilton Court).

Motion Carried

Report #12

This is further to Council's receiving a report from the Manager of Public Services regarding the intersection of County Road 20 and Texas Road concerning any necessary planning applications and/or requirements which may be required to achieve the recommendations of the Manager of Public Services report.

Moved by P. Renaud, seconded by R. White that the report from George Balango, dated June 6, 2007 regarding Mr. Adler's driveway access be received and that the matter be deferred.

Motion Carried

Report #13

The Steering Committee for the County Wind Energy Study conducted interviews in connection with selecting a consultant for the County Windpower & Renewable Energy Study.

Moved by R. Bailey, seconded by P. Renaud that the report from George Balango, dated June 5, 2007 regarding County Windpower and Renewable Energy Study be received.

Motion Carried

Report #14

As a result of Council's adoption of the Master Plan for the King's Navy Yard Park it is necessary for Council to reconsider the street access plan provided for the Salmoni Condominium Development Agreement.

Moved by R. White, seconded by P. Renaud that the report from Lory Bratt, dated June 6, 2007 regarding the Salmoni Condominium access be received and that Council approve the continued use of the existing access to the Salmoni Condominium pending completion of the new access proposed in the Navy Yard Park Master Plan, and further the access provision of the Development Agreement, is to be amended at the appropriate time to reflect the new access requirements.

Motion Carried

Report #15

A report from Steve Brown Chief Building Official concerning the By-Law Enforcement Process and properties which have been served notice will be distributed at the Council meeting.

Moved by R. Bailey, seconded by J. Sutton that the report from Stephen Brown, dated June 8, 2007 regarding by-law enforcement process be received.

Motion Carried

Report #16

As a result of a recent minor variance decision Messrs. Jason and Jeff Laframboise have requested that the municipality pass a by-law deeming their property not to be lands on a Registered Plan of Subdivision for the purposes of Section 50(3) of the Planning Act. This will allow the subject lands to merge for purposes of constructing an accessory structure.

Moved by J. Sutton, seconded by R. Fryer that the report from Lory Bratt, dated June 4, 2007 regarding the Deeming By-law be received and that Council give three readings to By-law 2007-46 being a by-law to deem a portion of Registered Plan 1191 not be lands on a Registered Plan of Subdivision for the purposes of Section 50(3) of the Planning Act.

Motion Carried

Report #17

The Town is in receipt of a request for the removal of part lot control in Golfview Park Estates Subdivision – Phase 2.

Moved by P. Renaud, seconded by R. White that the report from Lory Bratt, dated June 4, 2007 regarding Golfview Park Estates Subdivision – Phase 2 be received and that Council approve the request for removal of part lot control and that By-law 2007-45 be given three readings.

Report #18

The 2007 budget was approved, recognizing the need to prepare the Urban Design and Heritage Study.

Moved by R. Bailey, seconded by R. Fryer that the report from George Balango, dated June 5, 2007 regarding Urban Design and Heritage Study be received and that Council authorize the selection of Zelinka Priamo Ltd. to conduct the Urban Design and Heritage Study.

Motion Carried

CORRESPONDENCE

Item #1 & 2

Moved by J. Sutton, seconded by R. White that the letter from Bill Gibb, dated June 6, 2007 concerning activities and plans relating to the King's Navy Yard Park and that the letter received from Doreen Mahon and Anne Knickle objecting to cutting of trees in the Navy Yard Park be received.

Motion Carried

BUSINESS LICENCES

Moved by R. Pillon, seconded by Paul Renaud

That the Business Licence Application from EJ Morris Stable to operate a Fruit and Vegetable Stand at 9172 County Road 41; and

That the Business Licence Application from Wayne White to be a cab driver for South Shore; and

That the Business Licence Application from Gay-Anne Ledingham to operate a hair salon at 252 Dalhousie Street;

Be received and approved subject to compliance with all Town Departments, other agencies and regulations.

Motion Carried

OTHER MINUTES

Moved by R. White, seconded by R. Fryer that the minutes of an Amherstburg Municipal Council In-Camera meeting held May 14, 2007 be adopted.

Motion Carried

Moved by J. Sutton, seconded by R. White that the minutes of an Amherstburg Municipal Council Working Session held Monday, May 14, 2007 be adopted.

Motion Carried

UNFINISHED BUSINESS

NEW BUSINESS

Councillor Sutton referred to a letter from a resident requesting information on the Town Pool Bylaw. Steve Brown responded that no permit is required for a pool. However, if the pool is over 24" in height a fence is required. Mr. Brown added that if desired, he would do an inspection to determine if a fence is required.

Councillor Fryer questioned if there was any reduction of sewer surcharge for pool filling. The response was that there was not. Councillor Fryer stated that other municipalities do have an exemption policy.

BY-LAWS

Moved by P. Renaud, seconded by J. Sutton that:

By-law 2007-44 being a by-law to authorize maintenance work on Municipal Drains be taken as having been read a first, second and third time, be finally passed and the Mayor and the Clerk be authorized to sign same and affix the Corporation Seal thereto.

Motion Carried

By-law 2007-45 being a by-law to remove certain lands from Part Lot Control (12M-517) (see Report 17)

By-law 2007-46 being a bylaw to deem property not to be lands on a Registered Plan of Subdivision for purposes of Section 50(3) (see Report #16)

Moved by R. Bailey, seconded by R. Fryer that:

By-law 2007-47 being a by-law to confirm all resolutions of the Municipal Council be taken as having been read a first, second and third time, be finally passed and the Mayor and the Clerk be authorized to sign same and affix the Corporation Seal thereto.

Motion Carried

NOTICE OF MOTION

R. Pillon gave the following notice of motion that Administration look into returning to Committee Structure.

ADJOURNMENT

Moved by P. Renaud, seconded by J. Sutton that the meeting adjourn.

Motion Carried

MAYOR

CLERK