

Amherstburg Municipal Council
Minutes – Monday, June 11, 2007

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.

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

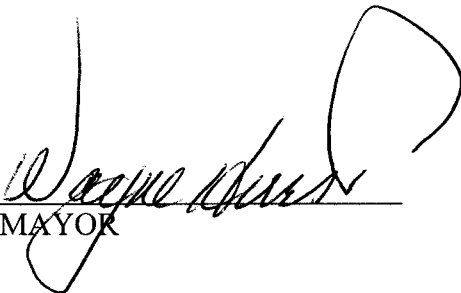
NOTICE OF MOTION

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

Amherstburg Parks Committee

PRESENTATION TO COUNCIL JUNE 11, 2007

Mr. Mayor you have mentioned a number of times that there has been a breakdown in communications over the cutting down of 19 mature, healthy trees in the Navy Yard. We say there has been no communication!

The latest act of not revealing the plan for the road extension makes 6 events or acts that we have not been consulted on before the act or event has been announced. The first was the Music Caravan when once consulted we offered a number of suggestions. The others were the Economic Summit, the Garden Party, the cutting of the 6 trees at the Salmoni building, the 19 trees felled on the Victoria Day '03 weekend and now the road extension plan. You can also add 2 more to this total if you include the locations of the playground equipment at Ranta park and the Splash Pad at Toddy Jones park, which we have some issues.

In your letter of May 30 we contend your reasons for cutting down the trees are not valid. Cutting down 19 trees isn't maintenance! We offered our suggestions in our March 20 work advisory and subsequently Public Works in a memo to Council echoed our findings that this would be the Spring cleanup. Who decided to go further?

The Master Plan actually on page 5 states, "The civic duty of a master plan is to promote the planting of trees". Not at anytime has Administration commented on the replanting of trees. With the 25 ash trees removed last year because of the ash borer, the 19 trees recently, 5 trees from the square due to construction needs and at least 3 trees for the construction trailer, it makes a total of 52 trees and not one tree planted in the park!

You have stated in your letter that detailed plans for the road extension would be available on June 2 and that we could review the plans and pass on our comments to Council. You were also quoted in the RTT on June 7 when asked the morning of Wednesday, June 6, you stated that Council had not seen plans for the project yet and that there would be public input prior to final design approval.

Those plans came into our possession, from another source, for our June 7 meeting of the Parks Committee. They were complete and were part of the tendering package of June 2 for Dalhousie Street resurfacing. The road extension was not mentioned in the official public calling for tenders for the Dalhousie St. project. We were shocked to think administration again went ahead not apparently telling anyone of the finished plan. We can just imagine what excuse there will be for their actions. Probably it will be that this is the way to get the best price and that Council had approved it anyway; forgetting of course they were supposed to get approval of the plan before tendering. What happened to the public input?

We reviewed the plans for the road extension and were dismayed to find that on the drawing there was no indication that there were trees or plantings that had to be considered in the construction. An independent count shows that there are 19 trees affected and more could also suffer from the use of road building machinery. Add these trees to the ones already removed and we reach a total of 71 trees. This an intolerable situation.

In the plans, opposite the Salmoni parking garage and in the area where the 6 pine trees were removed, there is a turnaround. This turnaround encroaches the park across the former treed area and part of the pathway. It is square in shape 5.2m x 11m and suspiciously looks like guest parking for four cars to service the Salmoni building!

We are not in favour of constructing the extended access road or the process that allowed it to go to tender without the review of the plan and a motion was passed at our June 7 meeting stating this.

It is a consensus of the Committee that Council should pass a motion to reconsider the approval to construct the road extension and then rescind that original motion. We believe the access road should go back to where it was originally located along the north face of the Salmoni building. The square could then be redesigned using the money saved (2-\$300,000) incorporating the existing trees and more trees that the Salmoni owners had promised to replace when they removed them for ease of construction. Public input in the form of public meetings for the redesign of the square is a must in order that this phase be successful. What are you going to do?

Gord Freeman, Chair

Amherstburg Parks Committee

AGENDA FOR JUNE 7, 2007 Town Hall Board Room at 6:30 PM

1. Minutes of May 3, 2007: Receive Minutes. **Motion**
2. Minutes of May 24, 2007: Emergency Meeting. **Motion**
3. In-Camera Meeting, May 28, 2007: Correspondence from the Mayor. **Motion**: To receive and comment.
4. Inspection of Parks: This is a big time consuming item for the members and deadlines should be made.
5. Update of Library Gardens: See item #8 in the May 3 minutes. The design is finished and Tony will bring us up to date.
6. Planter Relocation: See item #10 New Business; Ria did the inventory and the suggested relocations we discussed were included. The planters have been planted, but not moved. Tony will fill us in.
7. Gazebo Railing: See item #10 New Business; the railing has been capped and painted.
8. KNYP "Maintenance" Update: Request for Tony to detail what other items of "maintenance" we can expect!
9. Rhodo Bed Expansion: Tony to describe what is transpiring with the expansion of the rhodo bed next to the Commissariat.
10. Plan for Road Extension (Water St.): We expect to see the plan for the extension of the roadway behind the Salmoni building so that we can determine what impact it will have on the park.
11. Maples Cut Down on Pickering for Wal Mart: Need assurance these trees were on private property. Ramifications to the maples on Sandwich!
12. What Plans if any for the KNYP Square: Work is being done, but no plans.
13. New Business

Gord Freeman, Chair

Amherstburg Parks Committee

MINUTES OF THE JUNE 7, 2007 MEETING Held in the Board Room at Town Hall at 6:30 PM

Present: K. Beaudoin
G. Freeman, Chair
C. Overgaauw
R. Smith, Vice Chair
W. Wark

Absent: T. De Thomasis
R. White, regrets

STATEMENT: The absence of T. De Thomasis, with no substitute from Public Works, prevented the Committee from discussing items 5, 6, 8, 9, 10, 12. This was a regularly scheduled meeting (first Thursday of the month) and the Agenda was e-mailed to everyone on June 3.

1. Minutes of May 3, 2007: **Motion:** To receive. Moved by: C. Overgaauw, Seconded by: K. Beaudoin. Carried.

2. Minutes of Emergency Meeting May 24, 2007: **Motion:** To receive. Moved by: W. Wark, Seconded by: C. Overgaauw Carried

3. In-Camera Meeting, May 28, Correspondence: The Mayor's letter to the Committee re the cutting of trees in the KNYP, was discussed. In paragraph 3 in the letter, the Committee disagrees with the reasons for cutting the trees. In the KNYP Master Plan on pages 5 & 9 the process or even the cutting of trees refutes the statement. Paragraph 5 states the road expansion plans will go to the public before action is taken which in Item #10 also disagrees with more detail.

Motion: In the Mayor's letter of May 30, 2007, we disagree with paragraph 3 for the reasons of cutting and in paragraph 5 the plan for the road has not been discussed in public before completion. For these reasons we are asking for a more forthright communication for these items. Moved by: C. Overgaauw, Seconded by Keith Beaudoin. Carried unanimously.

4. Inspection of Parks: The designated parks inspections will be due at the July 5 meeting. Bill Wark did bring up the fact that there are four distressed trees in the northwest portion of Golfview Park. Public Works please take note!

10. Plan for Road Extension behind Salmoni building: The plan for the road extension is completed, to our surprise, and has been included in the tender package issued June 2, 2007, for the resurfacing of Dalhousie St. This in spite of the tender notices in the paper which do not mention the road extension.

The mayor is quoted in the RTT of June 7, page 2: "Mayor Hurst said Wednesday morning that council and the town have not seen plans for that project yet. He said the town will ensure that there is public input on the planned access road prior to final design approval." We received a copy of the completed plan from another source which is in the tender package. Communications again are evidently non-existent! Did Council know about the plan before tendering on June 2 as was the case in the tree cutting?

The plan for the road extension is rejected by the Committee because it does not show the impact to the park and the addition of a 5.2 m by 11m turnaround opposite the parking garage, encroaching on the park, is not acceptable. The location of trees or flower beds are not shown on the plan and an independent count of trees affected by the road is nineteen. The turnaround is square and suspiciously looks like a four car guest parking area for the Salmoni building. This is in the same location where the pine trees were removed four weeks ago without notice.

Motion: The Committee advises Council that we are not in favour of the plan for the road extension and question the tendering process in regards to not approving plans before the process is initiated. Moved by: W. Wark, Seconded by: C. Overgaauw. Carried unanimously.

It was the consensus of the Committee that Council should go back to the location of the original road past the north face of the Salmoni building and use the money allocated for the extension on an improvement of the square.

11. Maples Cut Down on Pickering for Wal Mart: A discussion followed, but it was determined that the trees were on private property. Unfortunately nobody thought of the reduction of size in Wal-Mart (no automotive) which may have allowed a reduction in size of the parking lot to spare the trees.

Motion: That if any trees are targeted for removal on Town property on the Sandwich side of the Wal-Mart parking lot, a licensed arborist be engaged in order to save the tree(s). Moved by: W. Wark, Seconded by: K. Beaudoin. Carried

13. New Business:

- **SPLASH PAD:** Ria spoke on the damage being done to the trees at the Splash Pad site in the Toddy Jones Park. One very large silver maple on the south side is being jeopardized due to the digging inside the drip line of the tree. All along the north side of the tree the roots have been cut and exposed. If the pad had been moved just 15 to 20' to the north this could have been avoided. There are also two 15 year old maples and three smaller maples all which should have been moved before excavation. No thought has apparently been given concerning the construction clause in the tree by-law.

Motion: We advise Council that the 5 trees previously mentioned should be removed and replanted before they are lost. Moved by: R. Smith Seconded by: K. Beaudoin Carried.

- **SEWER PROJECTS - TREES:** Ria reminded the Committee that the sewer projects due to be started in the old downtown core could have a catastrophic effect on the many old trees lining the streets.

Motion: Because of the impending commencement of sewer projects in the downtown old core and the possible catastrophic effects on the old trees; an arborist should be engaged for planning purposes to minimize the damages to the trees. Moved by: R. Smith
Seconded by C. Overgaauw. Carried.

Adjournment: Moved by: W. Wark Carried. 8:00 PM

Gord Freeman, Chair

Mr Mayor and members of council,

I am not here to point fingers or to put anyone on the spot tonight. I'm not really even here because the trees were cut down. I am here because of the method that was used to proceed with this action. I called three of you people about the trees that were chopped, and I was told the same from all three of you, that you did not even know that some twenty trees were cut down, or why. You didn't know who decided, or when. I find it very difficult to understand how this could happen. I always believed that it was council's duty to protect our assets from bad decisions. There are seven of you to decide major changes or projects in our parks. Administrations makes recommendations, councils make decisions. If a tree is dead or dying, or if it is truly in the way of another improvement, then I do believe that it could be taken down, or even moved to a different location. I'm not saying that council has to be there to approve every little move being made by management. But, such a large change to our most precious possession should have at least been decided by council.

I understand that the roadway behind the new condos is to be extended to Murray Street, and even beyond. It looks to me that another cull of trees will be necessary. I cannot understand why we would need a road thru the park. It will bring unwanted traffic into the park and will cause more destruction. The roadway that is already there, has served the building fine up to now I do understand that I was given the opportunity to attend a public meeting and failed to do so. I also know that everyone failed to attend. It was very poorly attended. That being said I truly believe that council should have realized then, that we, the public, do not really know the scope of the actions that are going to take place in our park.

I am here tonight to ask for 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.

I'm sure that the action taken on these two requests, will show everyone who is watching, exactly where you stand on this most emotional issue.

Your Worship and Council:

My name is Al Gignac. I am a Town Employee for the Public Works Department. However, I am voicing my opinion strictly as a taxpayer.

I was born and raised on Dalhousie Street and watched every square inch of the Kings Navy Yard Park being developed in Phase 1 and Phase 2. I saw every tree being planted in this Park. On my way home from school, I watched this Park develop from coal piles to the gem that we have today. I have also had the pleasure as an individual contractor to maintain this Park for several years. I've been employed with the Town for 20 years and have trimmed every tree in the Kings Navy Yard Park. Not once was any direction given concerning park maintenance without thorough approval of management and council. I am absolutely livid at what has taken place. In 2006 I pruned 7 of the locust trees that are now gone. They told me to "Trim those trees and make sure you do a good job". My understanding is that these trees were a valuable asset to the Park.

Unfortunately, in the Kings Navy Yard Park, I have seen mature trees being removed due to aging and decay, oak trees dying because of poor soil conditions, pine and spruce trees dying due to disease, locust trees in the Kings Navy Yard Parkette, being removed to accommodate construction of a nearby building, ash trees being removed due to the ash borer infestation, mature, healthy spruce trees being removed for whatever reason, directly in front of a newly erected building. I find it interesting that I was directed to trim these spruce trees to accommodate a construction trailer 1 1/2 years ago, when these same trees have now been removed.

I feel that a horticultural homicide has been committed and that all of those who are involved in this crime must pay a price.

Healthy trees that are removed have a measurable monetary value and I feel that any future activity in or around the Kings Navy Yard Park, without consultation with the community must be stopped.

Your Worship and Council:

My name is Donna Gignac. My concern is the simple fact that trees were taken down in the Kings Navy Yard Park, without public awareness. When such a visual decision is made without public awareness, I am concerned about other decisions that are made that I don't "see". I attended a public meeting concerning the changes that may be made to the Kings Navy Yard Park and was not made aware of the fact that trees were to be removed. I want to know who is responsible for this. To my knowledge, no one will comment. This is what concerns me more.

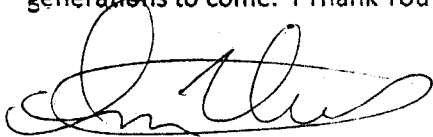
As a Board member of the Horticulture Society, I am devastated that healthy trees have been murdered. If a young person had done this, it would be considered vandalism and serious consequences would follow. Whoever is responsible, of which I still have no knowledge, is to pay for their transgressions.

I also find it very ironic that my husband, Al Gignac, who has horticultural education, sincere compassion, and complete knowledge of the Kings Navy Yard Park, was denied acceptance to the Park's Committee.

Considering all that I have seen, I feel that any future activity in or around the Kings Navy Yard Park without consultation with the community, must be stopped.

June 11, 2007

I would like to take this minute first to thank Mayor Hurst and members of council for allowing this letter to be read in my absence. This letter is being written to bring to your attention my feelings of what is happening to our Navy Yard Park and the chain of command that felled 15 or more HEALTHY trees in the park. Being involved from the first word of these trees being brought down, one can only assume that the circumstances and time and date of removal that they were to be brought down with as little fanfare as possible. Well someone guessed wrong. As a citizen of this beautiful town, born and raised from generations before me who so passionately gave of there time to serve this community, it saddens me that these chain of events only confirms what I have been hearing around this town for some time. Who is in charge, who is controlling the decisions being made for us and our town. I thought the process was an elected, by the people for the people, council and mayor. What is happening or what has happened, no one wants to take responsibility for. It was a blatant act of vandalism, not miscommunication as some would have us believe. The process was not adhered to, the local committees of community volunteers was not utilized and it seems to me an order to remove those trees was known since the inception of the master plan for our park was introduced to the public. Now I for one was not present when this plan was released, and I assure you if I was, would not have had time to go through this massive engineering book. It seems this plan was also hushed through with as little fanfare also. This plan which cost us around \$25000 to \$30000 to have drawn up at whose recommendation is not needed. We have already, with the blood, sweat and tears of past and present community leaders, one of the most beautiful parks in all of Ontario if not all of Canada. We do not need to be spending Millions on reconstruction on this park when we need so much work in other areas of our town. This town is no longer just the old Burg but now also includes the people of Malden and Anderdon. The whole area has needs and very important needs which should be addressed before we waste more of our money trying to appease a chosen few. We need to know who gave the order to remove these trees and why the system failed the people of Amherstburg. This park is now slated to have a road run through it. This accomplishes nothing but gives access to the tenants of the buildings along Dalhousie St. This all at the sake of our PASSIVE park. Slowly but surely we will lose it. We are now allowing events down there, but that is a different story. So members of council and your honour, I beg you to stop all further development and or spending down at our beautiful King's Navy Yard Park. We need to make sure the public is fully aware of the steps being recommended. We need to also make sure, with total public input, that these are the steps that should be taken. We have a system in place and with the help of community volunteer groups, these choices should be made. Not someone on their own deciding these trees should be removed. We still need to know how the command came about and who is responsible for this murder of our park. They should be held accountable as we know somebody who chooses on their own to remove trees from our public parks would be. So members of council and Mayor Hurst, this is from a kid born and raised in this community and now starting the third generation into our family business. We need this park, kids and future generations need this park. When I was a kid growing up and playing on this waterfront, I loved the coal piles and the fishing but really just the whole waterway where we did what kids loved to do. Don't allow a few local developments to encroach on our parks. When the parkland is gone it is gone! Keep it passive for everyone and for future generations to come. I Thank You



KEN THRASHER

106 Lowes Side Road
Amherstburg, Ontario
N9V 1S2

June 11, 2007

Your Worship Mayor Hurst and members of council,

The cutting of twenty trees in the King's Navy Yard Park is an indication of a much larger problem that exists today, in the Town of Amherstburg.

The fact, that most members of council claim that, they were unaware of this approved destruction, apparently for sightline purposes and further to that, council dealt with this matter at an in-camera meeting, and refused to disclose to the public the name of the perpetrator(s), the cost of tree and stump removal, the replacement cost of said trees, and the total amount of labour and materials required to cover the cost of bricklaying, that they blame on a breakdown of communication is insulting to the taxpayers, and totally unacceptable.

In addition to this, according to a statement by Mayor Hurst in the River Town Times dated June 7, 2007 that "council has not yet seen the plans for the new access road", even though it was put out to tender on June 2, 2007, causes a great deal of concern and makes one wonder, "Who's running this town anyway?"

Council's total disregard of public consultation or input from the Parks' Committee regarding the destruction of the Splash Pool and by breaking their own by-law not to tender a project of \$250, 000. indicates a very serious problem within this council.

According to an article by Frank Pizzuto, Chief Administrative Officer, Town of Amherstburg, Amherstburg Echo, April 17, 2007, Amherstburg is experiencing "Tough Times for our Local Economy and People."

Major expense is required for infrastructure, our sewage and water treatment plants need upgrading, our water tower has to be replaced, our track and field complex is in a serious state of disrepair, and there is very little tree cover or shade there for our young citizens. We are experiencing a health crisis regarding diseases pertaining to pollution with an estimated shortage of six million trees in Essex County, 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.

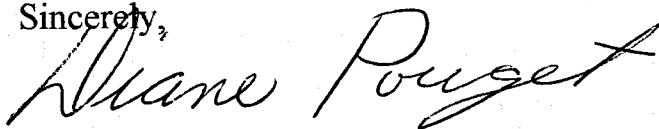
Councillors, less than eight months ago, you went door to door and

advertised, "VOTE FOR ME". You claimed you would represent us by being open, honest and accountable.

Show us how open, honest and accountable you are tonight.

Please vote for a full and speedy investigation into this matter and provide the public with full disclosure. Replace the twenty five trees in the park that were cut down because of the Emerald Ash Borer, charge the people responsible for the twenty trees that were destroyed and hold them accountable to replace all trees of equal size at no cost to the taxpayer. Obey our by-laws. But most of all, halt all work in the Navy Yard Park until these very serious problems have been resolved.

Sincerely,



Diane Pouget

Presentation to the Amherstburg Council

Council meeting - Monday, June 11, 2007 - 7:00 p.m.

Mayor Hurst and Members of Council:

I would like to address you concerning proposed changes to the King's Navy Yard Park as set out in a final report Master Plan as prepared by Brown & Storey architects, at a cost to the taxpayers of Amherstburg of \$28,000.

Perhaps the first question is how and why and on what basis did the need for this \$28,000 ^{Report} arise at all. No needs justification study for these massive changes was ever conducted, in fact to the present day still has not been done.

These design changes are completely out of line and unjustified at this time, as evidenced by Amherstburg's CAO in a recent article in the Amherstburg Echo - quote: *"Essex County is experiencing extremely difficult times on the economic front. Layoffs continue to occur, unemployment levels are the highest in the county and we are all struggling with increased taxes and the loss of jobs for many residents."*

Is this the economic foundation on which we are justified in adding another \$4 million on the backs of our already overburdened taxpayers?

I believe that within our own community and Public Works Department we have a reservoir of skilled and valuable landscape

architectural knowledge along with other skilled employees who are more than capable of providing the necessary regular repairs, care and maintenance in an effort to maintain our park as a "jewel." This Council and its committees and citizens need also to act very prudently to safeguard this "jewel" which belongs to us all.

I have strong objection to an administration that, apparently, has caused the helter-skelter cutting down and removal of approximately 19 beautiful, healthy trees located throughout the King's Navy Yard Park. This act is a travesty, to think that apparently without council's knowledge and without any communication with your Parks Advisory Committee, these trees would be cut down and removed.

Council should immediately conduct an investigation into this issue, holding the person or persons involved responsible. It is difficult to believe that without Council's authorization we end up with what has been stated as *"a case of breakdown in communications between staff and Council."*

I also have strong objection to the proposed construction of a new roadway located within the heart of the Navy Yard Park, this being referred to as an "ACCESS ROAD." Just think for a minute what will happen to our beautiful rest and relaxation park if this new "access road" cutting through our park is approved by Council.

The manager of Public Works reported to Council that the town's budget provides \$160,000 of taxpayers' money to start and complete this

“access road” undertaking; the final figures may be even higher.

On a recent walk through the park, doing my best to follow as closely as possible the route of this “access road” — GUESS WHAT? Eleven ^{MORE} beautiful, healthy trees will be removed or cut down. The estimated value of these trees is approximately \$40,000. Several trees will be directly affected and may ultimately die from their root structure being covered by this proposed road. The estimated value of these lost trees is another \$30,000.

Public Works snowplough equipment will have to keep this proposed “access road” clear from winter ice and snow. For private properties, including the new Condo building, and one or two additional private buildings, pushing and piling the snow and salt on this access road will also kill grass, flowers, trees and shrubs in the vicinity.

I cannot see the necessity for the construction of this proposed “access road.” Spending some \$160,000 plus of taxpayers’ money, plus the loss of more trees, flowers and shrubs, is quite frankly a complete and utter waste of our money.

The solution is not rocket science! Immediately north of the Condo building is a 16-foot right-of-way. That right-of-way was used extensively and exclusively when the Navy Yard Restaurant was located on the same site as this new condo building. That right-of-way provided more than adequate room for vehicles to gain access to the rear of buildings, including delivery trucks and garbage trucks. It is more than adequate for

a daily average of 30 to 35 vehicles per day using this right-of-way to gain access to these properties. By cancelling the access road proposal you will save \$160,000 to \$200,000 plus of taxpayers' dollars.

I also have serious concerns about the Navy Yard Parkette located north of the Condo building. It is in fact an essential part of the park itself, being one of the main entrances to the King's Navy Yard Park.

The owner of the Condo building was granted permission by Council to use this area during construction of the building for use by heavy equipment and vehicles. This heavy equipment caused damage to existing gardens and stone pavers, as well as the cutting down of ^{MORE} trees. The handicap parking spaces were also removed.

The Condo building is now complete and both the Town officials and the owner of the condo building were right. Very extensive and expensive damage was caused by the developer. Now it is time for the developer to repair all damages to our parkette, with all costs associated with the repair to be at 100% cost to the developer and at no cost to the taxpayer.

Council should direct the owner of the Condo to immediately reinstate the parkette to the beautiful, well-landscaped park entrance it was prior to the construction of the building by replacing gardens, shrubs and numerous trees, as well as handicap parking spaces. This was the assurance, as quoted on several occasions by mayor/council and in newspaper editorials.

I request Council to adopt a resolution agreeing to immediately stop and/or postpone any or all further activities and/or changes to the King's Navy Yard Park, and further, that Council agree to meet as soon as possible with their Parks Committee members, along with other concerned citizens of Amherstburg, to review, discuss and evaluate all future changes and/or improvements proposed to the Navy Yard Park.

We want clear assurances from Council that the level and quality of our passive waterfront park as it was conceived and planned by many prominent citizens and experienced consultants, will be maintained and preserved as a passive park for generations to come. As stewards holding this park in trust, we owe at least that to our children and grandchildren, as well as the thousands of visitors who have given their overwhelming praises for the park as it was before this construction destruction took place.

The comments set out within my presentation are not intended to be offensive to anyone and are only intended to be constructive in nature.
Thank you.

Tom and Sharon Kilgallin.

TOWN OF AMHERSTBURG
COUNCIL MEETING
JUNE 11, 2007

1. Thank Council for permission to speak regarding the King's Navy Yard Park.
2. For 19 years I had the privilege of maintaining the grounds at the Navy Yard Park.
3. As a tax payer of the Province of Ontario and Canada, a large amount of money (in grants, etc.) was granted to this Park.
4. In order to get a true understanding of what is being tendered out in the Navy Yard Park, I did the following:
 - a. Called the road builder if he had a set of plans. He indicated that it was advertised as paving of Dalhousie Street only.
 - b. I could have gone to the Windsor Heavy Construction office of which I was President of for two years.
 - c. I did go to the Town of Amherstburg's engineer's office and paid \$20 for a set of plans.
5. As I read the specifications of the plans and I was shocked to read four lines about the trees only and that the contractor is to take care ~~of~~ *only* There was:
 - No reference to the bylaw for trees
 - No reference as to the excavation work near trees
 - No reference as to the removal of the canopy over *Paved area*
 - No reference as to damage of trees outside the contract area or to a penalty and cost
 - No reference to care of the tree root system
 - No reference to the ~~removal~~ ^{removal} of trees by a certified arborist
 - No reference as to a certified, qualified, and professional Arborist to *supervise* over see the work done not by a Arborist who is from an Association *an arborist with a university degree about*

Note that the sod was given 1 1/2 pages of specifications.

Page two...

The Loss of Trees includes:

A. The excavation for a four car parking lot as outlined in the tender cost breakdown.

One 10 inch caliper specimen Red Oak with a 50% loss of roots

One 13 inch caliper specimen Maple with a 50% loss of roots.

B. New Access Road – when building a road, the excavation is always wider than the finish product to allow for set up.

Removal of One 12" caliper Austrian Pine
 Three 7" caliper Flowering Crabs
 Five 12" to 15" Amur Maples
 One 8" Green Spruce

Because the trees are within the 2' to 3' of the excavation of the road any new roots will permanently damage the canopy of these trees.

All of the following specimen and perfect trees will be damaged:

One 10" caliper Flowering Pear
One 9" caliper Red Sunset Maple
One 10" caliper Red Sunset Maple
One 8" caliper Maple
One 7" caliper Maple
One 12" caliper Blue Spruce

*All these trees
are specimen trees*

Sub-total 10 trees cut down and 8 trees with a 50% root loss and 30% canopy loss that may not survive

Total of 18 trees plus the 19 trees already cut down = 37 trees total.

Tree Bylaw item 7.

*Compensation payable for trees Removed
be the cost of replacing same suitable trees
Caliper between 4" and 12" as determined by town.*

Page three...

Questions to the Council:

1. Did the Town of Amherstburg advertise that they will be cutting down trees ~~as required~~ Exception to the By-law # 2005-19? *Required*
an

2. Did the Town of Amherstburg advertise that the owner of the new Salomni Building was exempt of this By-law #2005-19?

3. Did the owner of the new Salomni Building meet the required needs of the By-law or given written notice of cutting down of these trees? *+ Damage during Construction*

Tree By ~~Law~~ Law No 2005-19

Page four ...

I humbly request the following:

- A. I urge the Council to stop all the 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 others concerned citizens.
- C. That the Council empower the Parks Board and Citizen group 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.

Greetings to all

My name is Nick Mancinone, I'm here on behalf of myself as a resident of Amherstburg, vice president of the Fort Malden Horticultural Society and a substitute member of the Parks Committee.

I'm here to express my concerns regarding the insulting treatment and total disregardment of the P.C. and the resulting loss that it is causing. The P.C. has been strung along, bypassed and ignored in an action which has cost the town many thousands of dollars and prompted many questions.

I was present at a meeting of the P.C. where Mr. Pizzuto stated "We appreciate the P.C.'s input, but the final decision will be ours."

Since, all of you have indicated that you did not know what was to happen in the park, I do not understand what he means by "ours". Big question here for another meeting.

I was present at a tour of the park in question with Tony De Tomasis and other members of the P.C. on March 30, 2007 on a very cold morning, where some ideas were jointed out to improve the appearance of the park. There was no mention of eliminating any trees or clearcutting any sections of the park.

On the Victoria Day long weekend a sneaky Pearl Harbour type invasion was carried out in the park for no obvious reason or emergency.

This action has cost many people in Amherstburg; aggravation, loss of sleep, loss of time, mental anguish by insults, and extra monetary expenses and it will continue to cause expenses unless this administration will come to their senses, admit they were wrong to bypass the Parks Committee and stop making excuses like the miscommunication attempt.

Ignore them and maybe they will go away appears to be the order of command. The P.C. You have almost succeeded because at the last meeting of the P.C. on Thurs June 7 no one from the administration showed up and 80% or more of the agenda could not be discussed. Most of the members there indicated resigning because they felt that they are being insulted, used and abused for political purposes and prevented from advising or in-putting for economic and or constructive reasons.

This situation cannot be resolved by promises to do better in the future, as it would leave the door open for similar occurrences. There must be some restitution. Without restitution, whoever ordered this destruction of public property will have been successful without consequences and at taxpayers expense.

We know that we can't get our trees back, so I would like to suggest that we arrive at an agreeable expense for damages caused, and we dock all your paychecks including the Mayor, council, administrator, and public works department heads. An alternative would be retribution.

If you take my advice we all start living normal again.

By the way congratulations on what you have done to the gazebos railing: it was an accident waiting to happen type of hazard. That hazard has now been removed.

Thank You very much

PRESENTATION TO MEETING OF AMHERSTBURG
TOWN COUNCIL ON MONDAY, MAY 11, 2007

Your Worship Mayor Hurst, Members of Town Council
and Administration -

My name is Norma Sutherland, and I am here tonight
to make a few comments on behalf of my late husband
Charles Robert (Bob) Sutherland. I am grateful for
this opportunity, though saddened by the fact he is
not here to speak for himself. He would undoubtedly
have had a great deal to say.

Most of you knew Bob - he was hard to miss. His
devotion to the King's Navy Yard Park was well known,
but his affection for the Town of Amherstburg was not
quite as obvious. While we were still in Toronto,
friends often asked how he liked living there. The
prompt reply was always "I only work in Toronto - I
live in Amherstburg". Reaction: "Where's that?"
This inevitably led to a 30 to 45 minute lecture on
the "best-kept secret in Southern Ontario" -history
and all. His enthusiasm for his adopted home was
sincere.

Bob brought this same enthusiasm to the many local projects in which he became involved when we moved to Town in 1984. He developed a keen interest in the King's Navy Yard Park - all of it (he was a tree-hugger). Then came the idea of a Rhododendron Garden as a tourist attraction, and he was off and running. The rest is also History.

Given all of the foregoing, it doesn't take a great deal of imagination to realize how totally devastated Bob would have been had he lived to see what is happening to the Park - wanton destruction in some areas and in others completely unsuitable activity taking place or being planned for in the peaceful surroundings which had been designed and indeed promised as a "passive" park.

Physical damage has been extensive and irreparable. To begin with, the Parkette at the foot of Richmond Street looks as

if it has been run over by an 18-wheeler. Perhaps it has. But even if the proposed replacement is undertaken, it will be many years before the attractiveness of the area is restored. Plant material does not reach its best until Mother Nature gives her blessing - and she takes her own good time.

As to the trees which have been slaughtered - I don't think I can add to what has already been and probably will be said tonight. What appears to have been the unseemly haste with which this whole procedure was carried out raises many questions, as do other aspects of the operation. I'm tempted to borrow Agatha Christie's terminology and call it "The Mystery of the Disappearing Park". ~~Where is Hercule Poirot when we need him?~~

I don't believe that I have sufficient background to add anything further to what has been and will be presented by other delegations tonight. My sole purpose has been to present a brief version of what I know my late husband would have felt and what he would have said - expletives deleted.

I thank you for your time.