

**Minutes of an Amherstburg Municipal Council Meeting held  
Monday, June 25, 2007  
At 7:00 p.m. in the Council Chambers**

**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  
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  
Pam Malott, Clerk  
Paul Beneteau, Treasurer

**PRAYER**

The Clerk will say prayer.

**DISCLOSURE OF PECUNIARY INTEREST**

Councillor Renaud declared a conflict with report #13 being a proposed Amendment to the Town of Amherstburg Zoning By-Law 1999-52,

For clarification, Councillor Sutton disclosed that he was previously involved with Bingo events for the House of Shalom but this is no longer the case and he does not have a conflict to declare.

**MINUTES OF PREVIOUS MEETING**

Moved by Councillor White  
Seconded by Councillor Sutton

That the minutes of a regular meeting of the Amherstburg Municipal Council held Monday, June 11, 2007, be adopted.

Concerning these minutes, Councillor Pillon requested information on a question raised by Council as to the purpose of the Tree By-Law and why it was changed and whether this information had come back to Council. Frank Pizzuto responded that Administration was to research further and will report back to Council.

**Motion Carried**

**OPENING REMARKS**

Mayor Hurst commented on the current concerns regarding removal of trees and the creation of a new access road in Navy Yard Park.

Mayor Hurst commented that the Parks Advisory Committee and the Community have asked for reconsideration of the new access road and the comments and the advice has been taken.

Mayor Hurst asked for support from Council to agree to not move forward with the new access road proposed as part of the Navy Yard Master Plan but to continue with the access road as originally envisioned in the Site Plan for the Salmoni Building.

Mayor Hurst urged that Council support moving forward and work hard together to continue to make Amherstburg successful.

Moved by Councillor White  
Seconded by Deputy-Mayor Bailey

That the Town of Amherstburg not move forward with the new access road in Navy Yard Park; that staff be directed to move forward on the access road and parkette as approved in the Salmoni Development Agreement and Site Plan; and that the Parks Advisory Committee have the opportunity to have input on the parkette rehabilitation.

**A 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**

**DELEGATIONS**

- 1) Casey Overgaauw addressed Council regarding the removal of trees in the Kings Navy Yard Park and also the road construction.

Mr. Overgaauw supplied a copy of his comments in writing which are attached to and form part of these minutes.

Moved by Councillor Pillon  
Seconded by Councillor Fryer

That all road work and tree cutting plans associated with the Navy Yard Park be kept in abeyance and that a committee of three Councillors meet regularly in cooperation with the Parks Committee and a group of concerned residents to identify, examine and effectively resolve issues arising from the Navy Yard Park tree cutting.

**A 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 Lost**

- 2) Paul D. Morneau addressed Council as the spokesperson for the Rhododendron Committee, with respect to the Rhododendron Committee and spoke on the recent events at Kings Navy Yard Park.

Mr. Morneau supplied a copy of his comments in writing which are attached to and form part of these minutes.

Moved by Councillor Pillon  
Seconded by Councillor Renaud

That the information as present by Mr. Morneau be received.

**Motion Carried**

- 3) Lloyd Burrige addressed Council with regard to proposed changes and alterations in the Kings Navy Yard Park.

Mr. Burrige expressed that he felt the motion passed at Council at the beginning of the meeting to remove the new access road from the park, was a very positive thing to have done.

Mr. Burrige made the following points:

1. As a former Commissioner of Parks and Recreation for the City of Windsor for 24 years, Mr. Burrige expressed he was extremely pleased that Council did not set a precedent whereas public lands are used to provide a road for a private developer. He stressed that open spaces are extremely valuable as they are extremely limited.
2. He congratulated Council on the way they conducted business to allow ongoing dialogue with Committees.
3. With regard to the trees which have been removed, he stated it would not be possible to replace these trees with the same size trees due to the size. He suggested 3 to 4 trees approximately 15-20 feet in size with species selection left to a dialogue between the Parks Committee and Council.
4. As the former Parks and Recreation Commissioner for the City of Windsor, he was pleased to indicate the excellent rapport he had with the Town of Amherstburg. The City of Windsor and the Town of Amherstburg jointly held three Parks Association Conferences and City staff assisted in the design of Navy Yard Park.

Moved by Councillor Renaud  
Seconded by Councillor Sutton

That the information as present by Mr. Burrige be received.

**Motion Carried**

- 4) Gord Freeman addressed Council regarding the access road in Navy Yard Park and decision making concerning same.

Mr. Freeman supplied a copy of his comments in writing which are attached to and form part of these minutes.

Moved by Councillor Pillon  
Seconded by Councillor Renaud

That the information as presented by Mr. Freeman be received.

**Motion Carried**

- 5) Ray Clement addressed Council regarding the removal of trees from Navy Yard Park.

Mr. Clement supplied a copy of his comments in writing which are attached to and form part of these minutes.

Moved by Councillor Sutton  
Seconded by Councillor Renaud

That the information as presented by Mr. Clement be received.

**Motion Carried**

- 6) Thomas W. Conley addressed Council regarding the access road in Navy Yard Park and expressed the following: He was present for the meetings where the Salmoni Building was being discussed and the OMB Hearings took place. Mr. Freeman used the term misinformed but he prefers to use the term 'lied to'. He stated he felt nothing was said about the fact that there was no need to have an emergency turnaround. He stated the road there now and behind the building has been used successfully for 30 years. He feels the issue that was put before Council was a direct lie and should be re-visited by Council. He requested Council do something about the situation.

Moved by Councillor Fryer  
Seconded by Councillor Sutton

That the information as presented by Mr. Conley be received.

**Motion Carried**

- 7) Steve Patrick addressed Council regarding vegetation growth in Big Creek, south of County Road 18.

Mr. Patrick supplied a copy of his comments in writing which are attached to and form part of these minutes.

Moved by Councillor Sutton  
Seconded by Councillor Fryer

That Administration be directed to report back to Council at the next Council meeting regarding the concerns raised by Mr. Patrick.

**Motion Carried**

- 8) Linda Saxon addressed Council concerning the Town's Annual Accessibility Plan. Due to the time constraints of the Town's Procedural by-Law, Mrs. Saxon indicated she was only highlighting her concerns about the Annual Accessibility Plan.

Ms. Saxon indicated she felt it would be beneficial to list in the Annual Plan the year in which accomplishments were completed; otherwise one might assume they were completed in one year. She felt some of the accomplishments listed were vague and misleading. She continued to express her opinion with questions and comments as follows:

1. A Web Access Consultant should be hired to ensure the Town's website is compliant with the standard.

2. The Library Parking Lot was paved, long after requested, but there is only one accessible space.
3. In reference to 'developing a rapport' with private sector organizations to address areas of accessibility concerns and develop solutions; previously the Accessibility Committee worked with local businesses to identify concerns; in reality only 2 businesses were contacted.
4. The by-law concerning accessible parking has not been adopted and should not be listed as an accomplishment. Without the by-law there can be no enforcement, spaces can be arbitrarily removed, and there is no standard which explains why No Frills parking lot has signs, Sobey's does not and neither does Tim Horton's, Drug Stores and the Police Station to name a few.
5. The Golfview Park walkway was finally installed but the Accessibility Committee carried a motion to also investigate an accessible ground cover in the playground area.
6. Funding for an inclusive playground means that children with disabilities will have to travel to a central location whereas children with no disability can use their own neighbourhood playground equipment.
7. Traffic light with visual feature was installed at Pickering and Sandwich; however previous plans listed 'install sound system on traffic lights because the barrier was persons with 'visual and audio impairment unable to know status of traffic lights'.
8. The Ontarians with Disabilities Act requires that Annual Municipal Accessibility Plans list the by-laws, policies, programs, practices and services that the Municipality will review in the coming year to identify barriers. This is listed on page 3 of the plan. The by-laws reviewed were not listed in 2005, 2006 or in this 2007 plan.
9. Regarding the barriers identified, a number of the items in the plan have been there since 2003 only the status of those items is simply ongoing.
10. Clerk's offices and Planning and Building Offices are not accessible nor will they be once the proposed kiosk is built.
11. Does the Town not have Policies on accommodating employees with disabilities?  
Does the Town not have policies on the hiring of employees with disabilities?
12. Recognizing organizational accomplishments in ensuring their premises are accessible; this is not a barrier nor is awareness a type of barrier. As for the remedy, 'develop criteria and award system for Council approval', since the Town has not adopted any standards, I fail to see how it can reward others, besides, it is the Town's job to ensure the premises are accessible.
13. Regarding the review, monitoring and communication of the plan, the last public consultation was held November 2005 at which time the Accessibility Committee revealed that it would hold Public Meetings once every 5 years. I requested a Public Meeting annually but the Committee decided on every five years.
14. I contacted the Accessibility Directorate of Ontario and received the following response: ... "the Public Meetings should be held every year".
15. I have provided input every year since the first plan in 2003. Since I was denied the opportunity to provide input on this year's plan, these are items I would suggest for inclusion for example:

- The Town's new procedural manual for Special Events should have been listed for assessment. The events held at the Gordon House are not accessible.
- Bike and Walking trails should have been listed as barriers.
- The Town's vision for the future does not list accessibility as a priority.

Moved by Councillor White  
Seconded by Councillor Pillon

That the information as presented by Ms. Saxon be received.

**Motion Carried**

- 9) Rene Rota addressed Council with respect to River Lights Downtown.

**Report #3 Brought Forward**

Moved by Councillor Renaud  
Seconded by Councillor White

That the report from Carol Bendo dated May 23<sup>rd</sup>, 2007 regarding the River Lights... An Olde Town Christmas Festival be received and that Council approve the event in downtown Amherstburg for the month of December 2007 and beyond in principle in partnership with the Amherstburg Chamber of Commerce and in consultation with the Parks Committee.

**Motion Carried**

- 10) Mary Ann Desrochers of D&D Excavating addressed Council requesting fairness in work delegating practices.

Moved by Deputy-Mayor Bailey  
Seconded by Councillor Sutton

That the information as presented by Mrs. Desrochers be received.

**Motion Carried**

- 11) Joan Bezaire of the Bingo Sponsors Association addressed Council regarding further waiving of fees.

Moved by Deputy-Mayor Bailey  
Seconded by Councillor White

That Council receive the report from Pamela Malott dated June 25<sup>th</sup>, 2007; and that Council support the request of the Bingo Palace Sponsor's Association dated June 21<sup>st</sup>, 2007 for continuation of the waiving of fees until September 30<sup>th</sup>, 2007; and that Council direct Town Administration to prepared a detailed report for Council review concerning the new Ministry regulations and future recommendations.

**Motion Carried**

**PRESENTATIONS**

Jim Morgenstern, RPP of DMA Consulting presented information concerning Essex County Library Facility Planning.

Moved by Councillor Sutton  
Seconded by Councillor Fryer

That the presentation by Jim Morgenstern concerning the Essex County Library Facility Planning be received.

**Motion Carried**

**FIVE MINUTE RECESS CALLED**

**REPORTS OF MUNICIPAL OFFICERS**

Reports 13, 14 and 15 brought forward.

**Report #13**

The Town is being asked to consider a proposed Amendment to the Town of Amherstburg Zoning By-law 1999-52 under Section 34 and 39 of the Planning Act for a Temporary Use regarding 93 North Street.

**Councillor Renaud vacated his chair due to a conflict of interest.**

Moved by Councillor Fryer  
Seconded by Councillor White

That the report from Lory Bratt, dated June 14, 2007 regarding 93 North Street as discussed at the Public Meeting held June 25<sup>th</sup> at 6:00 p.m. be received; that Temporary Use regarding 93 North Street be approved; and that By-law 2007-48 be given three readings and passed.

**A Recorded Vote Was Requested**

	<u>AYE</u>	<u>NAY</u>
Deputy-Mayor Robert Bailey	X	
Councillor Fryer	X	
Councillor Pillon		X
Councillor Sutton	X	
Councillor White	X	
Mayor Hurst		X

**Motion Carried**

**Councillor Renaud returned to his chair.**

**Report #14**

The applicant is proposing Phase 1 Park Improvements at the Ferry Landing Dock and improvements to Boblo Island Boulevard on Boblo Island.

Moved by Councillor White  
Seconded by Councillor Fryer

That the report from Lory Bratt, dated June 20<sup>th</sup>, 2007 regarding Boblo Island – Phase 1 Park Improvements be received and that Council approve the site plan for Boblo Island, Phase 1 Park Improvements – Ferry Landing and Boblo Island Boulevard Improvements and Road Widening and that By-law 2007-49 be given three readings and passed.

**Motion Carried**

**Report #15**

Boblo Island Inc. is requesting the closing of unopened road allowances, the return of pumping station (water plant) land, and the release of associated easements intended for the distribution of water from the pumping station.

Moved by Councillor Sutton  
Seconded by Councillor White

That the report from George Balango, dated June 18<sup>th</sup>, 2007 regarding road closures on Boblo Island be received and that Council authorize the Clerk to commence the process of road closure, return of lands no longer required for water distribution.

**Motion Carried**

**Report #1**

Kings Navy Yard Park – 2007 Phase 1 Master Plan Implementation costs to date update.

Moved by Councillor Bailey  
Seconded by Councillor Renaud

That the report from Lou Zarlenga, dated June 19<sup>th</sup>, 2007 regarding costs to date be received for Council information.

**Motion Carried**

**Report #2**

Council passed several recommendations on June 11<sup>th</sup>, 2007 in relation to tree removal and access road construction in Navy Yard Park. This report identifies the recommendations and provides for a proposed action plan on the various recommendations.

Moved by Councillor Renaud  
Seconded by Councillor Sutton

That the report from Frank Pizzuto/Lou Zarlenga concerning the Navy Yard Park and the recommendations and proposed action plan dated June 19<sup>th</sup>, 2007 be received.

**Motion Carried**

**Report #3 – Brought Forward During Delegations**



**Report #4**

Boblo Development Inc. is holding an Inaugural Jazz Festival on Saturday, July 28<sup>th</sup>, 2007. They have requested that this event be recognized as a “Significant Event” for the purpose of an LCBO Application for a Special Occasion Permit.

Moved by Councillor Renaud  
Seconded by Councillor White

That the report from Carol Bendo, dated June 11<sup>th</sup>, 2007 regarding the Boblo Island Jazz Festival be received and that Council approve the Boblo Island Jazz Festival as a “Significant Event” for the purpose of an LCBO Application for a Special Occasion Permit.

**Motion Carried**

**Report #5**

A coordinated, focused, and strategic regional movement is being initiated to mobilize communities such as Amherstburg to be included in any Provincial and Federal plans for a Bi-National Celebration/Commemoration of the War of 1812.

Moved by Councillor Sutton  
Seconded by Councillor White

That the report from Carol Bendo, dated June 19<sup>th</sup>, 2007 regarding the Bicentennial Celebration – War of 1812 be received and that Council approve \$1000 to partner with the Convention & Visitors Bureau of Windsor, Essex County & Pelee Island as part of a joint initiative to formulate a strategic plan for the upcoming celebration/commemoration Bicentennial War of 1812 in the years leading up to and including 2012.

**Motion Carried**

**Report #6**

The Amherstburg Chamber of Commerce hosted an Economic Development/Tourism Summit on June 15<sup>th</sup>, 2007 and the Shores of Erie International Wine Festival hosted a Sponsor Thank You “Garden Party” on June 16<sup>th</sup>, 2007. This report recaps the results of these 2 successful events.

Moved by Councillor White  
Seconded by Councillor Sutton

That Council receive the post report on the June 15<sup>th</sup>, 16<sup>th</sup>, 2007 events held at the Gordon House/Navy Yard Park for information purposes.

**Motion Carried**

**Report #7**

St. Joseph Parish Cemetery Board is seeking to enlarge the crypt in the basement of their Church. As part of the approval process, Municipal concurrence is required.

Moved by Councillor Bailey  
Seconded by Councillor Renaud

That the report from Pamela Malott, dated June 19th, 2007 regarding the request from St. Joseph Parish be received and that Council concur with the request of the St. Joseph Parish Cemetery Board to enlarge the crypt in the basement of the Church located on 9399 North Townline, Part Lot 14, Concession 2 by adding 156 cremation niches subject to compliance with all other required approvals and further that Administration be authorized to complete the requirements for Municipal approval as stipulated by the Ministry of Government Services.

**Motion Carried**

**Report #8**

As part of the Arena Task Force-recommended facility audit, Council approved repairs in the short term at the Lion's Pool to provide and allow for additional programming at this facility.

Moved by Deputy Mayor Bailey  
Seconded by Councillor Fryer

That the report from Ron Dzombak, Manager of Recreation Services dated June 21<sup>st</sup>, 2007 concerning an update on the Lion's Pool be received.

**Motion Carried**

**Report #9**

Splash Pad Update – Report to be brought forward to the Council Meeting of July 23<sup>rd</sup>, 2007.

**Report #10**

The Town of Amherstburg has in place emergency plans that meet the requirements of the new Emergency Management and Civil Protection Act. The plans are updated on a regular basis and tested according to the new act. We have met all of the requirements of the emergency management program.

Moved by Councillor Pillon  
Seconded by Councillor Sutton

That the report from Fire Chief Rick Murray, dated June 19th, 2007 regarding the Compliance of the Emergency Act be received and further that Council receive the correspondence from the Commissioner of Community Safety and the Chief of Emergency Management Ontario.

**Motion Carried**

**Report #11**

Attached to this report is correspondence dated June 20th, 2007 from the Town consultant providing details of the tender opening for the 2007 Dalhousie Street reconstruction.

Moved by Councillor Renaud  
Seconded by Councillor Sutton

That the report from Lou Zarlenga, dated June 20th, 2007 regarding the 2007 Dalhousie Street reconstruction be approved and that Council accept the low tender from Sherway Contracting for the reconstruction in the amount of \$622,180.35.

Councillor Fryer requested an amendment to the motion that approval be in consultation with the Amherstburg Fire Department concerning nodes on Richmond Street and to accommodate floats in the parade.

Councillor Renaud did not accept the amendment to the motion.

The original motion stands as moved.

**Motion Carried**

**Report #12**

This report deals with the repair of the failed drive mechanism for the turntable assembly at Clarifier Number 3 for the Amherstburg Wastewater Treatment Plant.

Moved by Deputy-Mayor Bailey  
Seconded by Councillor White

That the report from Lou Zarlenga, dated June 20th, 2007 regarding the Amherstburg Wastewater Plant repairs to Clarifier Number 3 be received and that Council concur with the consultants recommendation to repair Clarifier No. 3 under Option 2 providing for a new turntable assembly at a cost of \$72,960.00 and further to agree to sole source the equipment supply to Dorr-Oliver Eimco being the manufacturer of the original equipment.

**Motion Carried**

**Report #16 – Brought Forward During Delegations**

**CORRESPONDENCE**

**Item #1**

Moved by Deputy-Mayor Bailey  
Seconded by Councillor Sutton

That the Notice of Reconvened Hearing from the Environmental Review Tribunal be noted and received.

**Motion Carried**

**Item #2**

Moved by Councillor Sutton  
Seconded by Councillor Fryer

That the letter received from Environment Canada regarding BAQS-Met Quality Field Study, 2007 be received.

**Motion Carried**

**Item #3**

Moved by Councillor Fryer  
Seconded by Councillor Renaud

That the letter received from Wesley United Church regarding vandalism and use of the Church's property as a dumping ground be received; and further that Administration send correspondence to the Church suggesting possible solutions to alleviate the problem.

**Motion Carried**

**BUSINESS LICENCES**

Moved by Councillor Sutton  
Seconded by Councillor White

That the Business License Application from Thanabalasingam Jeyan Thini be received and approved subject to compliance with all agencies and regulations.

**Motion Lost**

That the Business License Application from Thanabalasingam Jeyan Thini be received and that Mr. Thini be granted permission to operate a refreshment Vehicle (Dairy Treat) east of Sandwich Street and not in the Downtown Core subject to compliance with all agencies and regulations.

**Motion Carried**

**OTHER MINUTES**

Moved by Deputy-Mayor Bailey  
Seconded by Councillor Fryer

That the minutes of an Amherstburg Municipal Council In-Camera meeting held on Monday, May 28th, 2007 be adopted as circulated.

**Motion Carried**

Moved by Councillor Sutton  
Seconded by Councillor White

That the minutes of an Amherstburg Municipal Council Working Session held Monday, May 28th, 2007 be received

**Motion Carried**

Moved by Councillor Renaud  
Seconded by Councillor Sutton

That the minutes of an Amherstburg Committee of Adjustment meeting held on April 24th, 2007 be received.

**Motion Carried**

Moved by Councillor Fryer  
Seconded by Councillor Pillon

That the minutes of an Amherstburg Municipal Events Committee meeting held on May 8th, 2007 be received.

**Motion Carried**

Moved by Councillor Pillon  
Seconded by Deputy-Mayor Bailey

That the minutes of an Amherstburg Accessibility Advisory Committee held on April 17th, 2007 be received.

**Motion Carried**

Moved by Councillor Sutton  
Seconded by Councillor White

That the minutes of the Malden Community & Cultural Centre meetings held on December 2nd, 2006, January 10th, 2007, February 5th, 2007, March 14th, 2007, April 4th, 2007, May 2nd, 2007, and June 6th, 2007 be received.

**Motion Carried**

**UNFINISHED BUSINESS**

Being none, Council moved on to the next item.

**NEW BUSINESS**

Moved by Deputy-Mayor Bailey  
Seconded by Councillor White

That the Council of the Town of Amherstburg recognize the Anderdon Public School Music Program and their community involvement over several years in the Amherstburg, Windsor, and Essex County Region;

And further that Council recognize the Anderdon Public School award winning small Musical Ensembles, Concert Band, Marching Band and Choir as having participated in a wide range of community events such as the Town of Amherstburg and City of Windsor Christmas Parades, Tree Lighting Ceremonies, performances with the Windsor Symphony, performances at local Remembrance Day ceremonies, and performances at Shopping Malls and Nursing Homes;

And further that the Council of the Town of Amherstburg recognize the exceptional efforts of the staff and students of Anderdon Public School for their contributions to our community and offer complete support and endorsement of their Band Aid Grant Application to the Canadian Academy of Recording Arts and Sciences.

**Motion Passed**

Moved by Councillor Pillon  
Seconded by Councillor Fryer

That Administration be directed to look into the ramifications of returning to the Committee of Council structure and bring a report back to Council.

**Motion Lost**

Moved by Councillor Fryer  
Seconded by Councillor Pillon

That Council give reconsideration to the original motion concerning the Salmoni Building access road and that this be held in abeyance pending a review by the Fire Department.

**Motion Lost**

**BY-LAWS**

**By-law 2007-48** being a by-law to amend Zoning By-law No. 1999-52  
(see report #13)

**By-law 2007-49** being a by-law authorize the signing of a Development Agreement  
(see report #14)

Moved by Deputy-Mayor Bailey  
Seconded by Councillor Sutton that:

**By-law 2007-50** 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 Corporate Seal thereto.

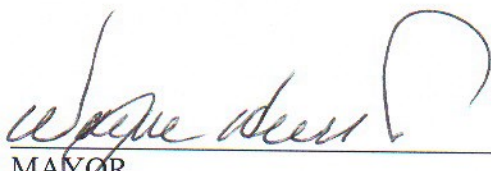
**NOTICE OF MOTION**

Being none, Council moved on to the next item.

**ADJOURNMENT**

Moved by Councillor Sutton  
Seconded by Deputy-Mayor Bailey

That the meeting adjourn.

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
CLERK

June 25, 2007

Your worship Mayor Hurst, Members of Council, ladies and gentlemen.

Please allow me to begin by saying that after having been away on a week's vacation, it was good to come home and find that we as taxpayers had won at least a partial victory when council stated that everything regarding the Navy Yard Park would be put on hold pending further consultation and communication with the Parks Committee and also public input. I think that's a good thing and a step forward but I'm sorry to say that that's not good enough.

It is with great sadness and also anger that I am here before you tonight first of all as a taxpayer of this great town of ours, and also as a member of the Parks Committee, past President of Fort Malden Horticultural Society and a member of the Steering Committee of Concerned Citizens. I am sad and angry that we have lost so many healthy, beautiful, mature trees from within our park for no legitimate reason. It is particularly upsetting because Essex County already had less than three per cent tree coverage, the worst record in the province of Ontario and maybe even in all of Canada.

We cannot afford and we must not allow the destruction of good and healthy trees just because someone in administration or a town official feels they ought to be eliminated. That to me is a sin and can be punished by law. All those involved from those who gave the order to those who executed the order violated the town's bylaw on tree cutting. The bylaw applies to the town itself just as much as it applies to any other person.

The mayor and council have so far been unwilling to tell us who in administration ordered the cutting down of these trees and why. This is a very simple but also a very essential question that must be answered to the public at large.

The mayor and council have complained about the negativity this situation has created in front of the TV cameras, on radio and the front pages of our newspapers....well "HELLO"....who created this this fiasco....it certainly wasn't the taxpayer. Rather it was this administration and council who failed us and whose ethics are questionable to say the least. They went around in a very sneaky fashion on a holiday long weekend and plundered our park and robbed citizens and visitors alike of some of the beauty this park is recognized for. What a shame! What a travesty! What a horrible thing to do.

I agree with the editor of the Echo who says that the time to resolve the park controversy is now. So how do we do that? There are actually many ways to accomplish this. First and foremost, this administration needs to be open and honest and tell us exactly why these healthy trees had to fall and who ordered them to fall. Second, we could ask for the appointment of an impartial and outstanding ombudsman who would investigate the entire situation and report back to council and the public. Third, we can call for a judicial inquiry to end this impasse in which we find ourselves. We can also proceed by private prosecution against all of those who may have been involved and we are considering this option. We are also considering putting lawn signs throughout the town saying " STOP THE PLUNDERING OF OUR PARK" or "STOP THE CHOP" or simply "STOP CUTTING OUR TREES". I'm sure any or all would be effective. However all these suggestions are very time consuming. We want and we need to end this NOW so I would like to suggest to you that we begin a transparent dialogue to address these issues that have arisen and find remedies to ensure that these issues do not arise again. I also suggest that you appoint three members of council, preferably deputy mayor Bailey and councillors Sutton and Pillion to sit down with the Parks Committee and the Steering Committee of Concerned Citizens to work out a plan of action. Of course we would need all items regarding the Navy Yard Park to be on the agenda for discussion and action. Findings would then be presented to Council and the public for input and final approval before implementation.

I believe this to be the best possible way to move forward in the interest of Council, the taxpayers, and even the developers. Failing this, however, we would be back to our other options and continue with what we are seeing now at our council meetings. I am sure we all have more pleasant things to do with our time.

Therefore in closing I would like to say let us move forward together. Let it never again be perceived that this town is ruled by one or two individuals but that it is governed by this elected council who must be open and without hidden motives or pretense.

Thank you.

A handwritten signature in cursive script, reading "Casey Engstrom". The signature is written in dark ink and is positioned centrally on the page.



## A. A. & M. Rhododendron Committee



Paul Morneau (President)  
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Tel (519) 734-7230

LETTER TO COUNCIL – JUNE 25, 2007  
FROM  
A. A. AND M. RHODODENDRON COMMITTEE

My name is Paul Morneau and I am spokesperson for the Amherstburg, Anderdon and Malden Rhododendron Committee. Our history began in 1984 when the town was approached by the tourism committee of the Chamber of Commerce. The town approved a design for a rhododendron garden in it's new King's Navy Yard Park to promote tourism. The rhododendron was chosen because it was considered to be unique. In the fall of 1985, with donations from both the Lions and Rotary Clubs the project was enlarged. By 1986 companion plants such as magnolia's, hawthorne and red and white dogwood trees were added. In 1986, the A.A. and M. Rhododendron Committee a new free standing all volunteer group was formed. This committee is not a part of the Horticultural Society but a separate group dedicated only to the rhodo and azalea beds and is responsible for making Amherstburg a "Rhododendron Showplace". For many years, Bob Sutherland guided this non profit group and kept the gardens beautiful. We have a small group of dedicated volunteers that hold three plant sales every spring where the proceeds go into the park either in plants or Greenleaf, a special growing medium. An average of one thousand dollars in Greenleaf alone is quietly donated each year, not counting replacing plants that have died. In 2004 alone, we planted 97 plants in the Navy Yard and Seagram Park at no cost to the town. Today the Rhododendron beds bring in people from all over. However, these beds were put in with the original concept of a shaded park as these are the conditions rhododendrons grow in. This is changed by removing trees which buffer drying winds and shade areas that cool the park. Winter wind and sun does the most damage to these plants especially if they are not watered well in the summer. Large open paved areas bring in hot dry winds which make for more frequent watering. We already have problems providing water for these plants. Therefore I respectfully ask that no more trees be cut, and more planted to restore the original conditions of the park. What affects one part of the park shows up in the other areas. We are never consulted regarding the park, so we ask to be brought in on the working sessions that discuss the park.

Our second concern is cutting the park in two by an access road which would separate the Murray Street entrance from the rest of the park. Will that section be lost as part of the park area and will there be more to come?

Our third point is to begin the planning stage for acquiring more riverfront area keeping only the east side of Dalhousie for future development. This would make room for a passive area and an events park with adequate parking nearby. This could be the start of a master plan for developing a beautiful riverfront like Windsor already has and Detroit is spending millions to acquire. Thank You.

## *Amherstburg Parks Committee*

### PRESENTATION TO COUNCIL–JUNE 25, 2007

Tonight I wish to speak on the subject of the access road as described in the site plan agreement between the Salmoni owners and the Town.

The agreement for the access road or right-of-way to be changed from running along the north face of the building to running through the existing parking lot area in the square and sweeping down the slope to meet the existing road was based on an incorrect assumption by Council. I quote the Echo's comments of April 19, 2005:

“Joe Toth, representing Mike Angileri and his partners, said a number of issues came up during the public meeting process that they wanted to resolve. One of them was access with the current 16-foot laneway adjacent to the site deemed insufficient. Toth pointed out that fire trucks would have an inadequate turning radius from the current laneway and proposed using a laneway near the entrance to the current parking lot.....”

After the tree cutting in the park and coming to grips with the plans for the access road extension south, we discovered there had been no report from the fire department in 2005 requesting a larger turning radius on the extension of Richmond Street. In fact, the fire department would not take trucks behind the building for fear of being trapped there in the case of a fire. I do not know where Mr. Toth got his information. I, being a councillor at the time, took his statement as based on fact and that a redesign of the square rectified the situation.

The turn adjacent to the building appears not to be a problem because for years garbage and delivery trucks serviced the buildings on the road. Reverting back to this roadway for access to the new building, therefore, should not be difficult.

As to who would pay for the right-of-way through the parking lot the site plan agreement states quite plainly on page 6, paragraph 38, “....the Owner is required to construct at its cost the said Right-of-Way and any and all ancillary work....”. In paragraph 39 it states any redevelopment, alterations and enhancements would be paid by the Owner. In paragraph 40 it states, “The Owner shall mitigate all

disruptions of Navy Yard Park". What all this means is that the Owner is obligated to work with the Town to bring back the square into good shape at his cost.

The concept, from the Brown & Storey report, is to have an enlarged square in order to have more events staged in the middle of town. This has been illustrated by the Music Caravan organizers stating that it will be there intent to hold the event in the square in subsequent years. It would be in the best interests of the Salmoni owners to go back to the original road to ensure 24 hour free access and a safe route to the building and the road would not be disrupted by more events being held in the square.

We believe, that changing the access road back to the original location and enhancing the square, could be a very positive step at this time. Money would be saved from not extending the road to the south through the park and the park would be saved from the disruption and devastation this would cause.

Gord Freeman, Chair

**June 25, 2007**

**Your Worship and Council Members:**

**My name is Ray Clement. I am the District 11 Director for the Ontario Horticultural Association.**

**District 11 covers from the tip of Amherstburg to Grand Bend.**

**Fort Malden's Horticultural Society (the oldest in our district) just celebrated their 100 years as a member of the Ontario Horticultural Society by planting 100 trees at the cost of \$20,000.**

**We are all aware of the need for trees in Ontario especially in Essex County. Essex County has a slim 3% tree coverage.**

**Trees not only represent beauty but they are the lungs of nature and serve each and every one of us as they filter our air.**

**The driving force in the establishment of Navy Yard Park was to protect it from developers. It was built as a passive park for the citizens of Amherstburg and now has become a tourist meca.**

**With sweat equity from many diverse groups, especially Fort Malden's Horticultural Society, you have achieved and surpassed your goals. Navy Yard Park ranks with Windsor's Reaume Park, Dieppe Park and the Sculpture Gardens on the banks of the Detroit River.**

**What a jewel you HOLD IN TRUST FOR THE CITIZENS OF AMHERSTBURG.**

**In the past we have not always been good stewards in diversifying our tree cover. We lost many magnificent Elms which were attacked by the Dutch Elm disease and we planted Ash trees to replace them. Now we are presently dealing with the Emerald Ash Bore and it's devastation. We are planting a variety of trees now to protect this from happening again. The Navy Yard Park has a diverse variety of trees thanks to people with foresight.**

**You have lost a great number of trees due to the Emerald Ash Bore and now due to indiscriminate tree removal by man.**

**Council has stated the trees will be replaced. I APPLAUD YOU ON THAT DECISION.**

**Now I must ask about the encroachment of a road on PARK LAND. What about the trees and vegetation in the path of this proposed self serving access road?**

**Once one square inch of a park is lost, it is lost forever.**

**Now you are considering a curbless access road 270 x 23 feet plus a parking area for five cars. This will impact nearly four acres of parkland GONE FOREVER.**

**I QUESTION THE SAFETY OF AN ACCESS ROAD CUTTING THROUGH THE PARK WERE CHILDREN GATHER AND PLAY.**

**We, members of the Ontario Horticultural Society, will be closely monitoring the progress made by you the Council of Amherstburg as you resolve this problem with your Navy Yard Park.**

**The decisions made here over this body of land can impact all Municipal Parks in Canada, let alone Ontario.**

**Your Worship and Council members, I thank you for your time.**

**Raymond Clement  
District 11 Director  
Ontario Horticultural Society.**

Ms. Linda Thrasher  
4 Malden Hill Dr.  
Amherstburg, On.  
N9V 3E1  
Tel: 519-736-4526

June 21, 2007

Mayor Wayne Hurst  
Council Members  
Amherstburg, On.

RE : (1) Inappropriate Behaviours at Council Meeting, June 11, 2007  
(2) Tree Cutting Issues

Dear Mayor Hurst :

I begin this letter concerning the inappropriate behaviour expressed by you and Mr. Frank Pizzuto at the council meeting of June 11, 2007. During several of the presentations, I observed you being quite preoccupied with the shuffling of papers and carrying on a dialogue with Mr. Pizzuto. As the two of you made comments to each other and chuckled back and forth, it gave me the impression that this was all quite humorous to both of you. Surely, you realized that such behaviour would be a direct insult to the speakers involved and seemed deliberate to me. In my opinion, these actions told the people of Amherstburg that what they had to say was of little importance or interest to either you or Mr. Pizzuto. Hopefully that was not the intent and I am requesting that both the you and Frank Pizzuto address these actions publicly at the next council meeting.

Another insult came when Councillor, Paul Renaud went out of his way to compliment Nancy Greenaway for her presentation and totally ignored all other speakers. What was that all about? Why was Ms. Greenaway's presentation the only one recognized by this Councillor? Makes one wonder again as to what is really going on with this entire council. Mr. Renaud, I am requesting that you also respond publicly at the next council meeting explaining your reasoning for such rudeness.

Concerning the tree cutting issues, I find it very difficult to accept that the mayor and council members did not know that such an order was given and to be carried out on that holiday weekend. However, not every council member acknowledged this at the last council meeting. As I recall, Rosa White and Paul Renaud did not comment on whether they knew or not. Having said that, I am requesting that Council members Rosa White and Paul Renaud respond publicly to the people of Amherstburg at the next council meeting as to whether they had any knowledge of this order prior to the actual cutting down of those trees.

It is of the utmost importance to the credibility of the mayor, and every council member, that the following question be answered individually and noted at the very next council meeting :

**DO YOU NOW KNOW WHO ORDERED THE  
TREES TO BE CUT DOWN IN OUR NAVY YARD ?**

If anyone answers "yes", I am requesting the name be made public immediately. This is the only way the Amherstburg mayor and council can earn the trust and respect of the Amherstburg residents. **Always be honest and above board - Amherstburg deserves nothing less.**

Sincerely,



Ms. Linda Thrasher

Delegation #7 – Steve Patrick  
As presented to Council at the Public  
Meeting held June 25<sup>th</sup>, 2007 and forming  
part of the minutes of the meeting.

June 25, 2007

Your Worship, Mayor Hurst and Members of Council.

My name is Steve Patrick.

This evening I want to speak to you about the vegetation growth in the Big Creek, south of the bridge on County Road 18, previously known as the Pike Road.

This property is owned by Christine Klym and it continues to run into the James Massen property and ends at the bridge on Creek Road.

There used to be a natural water channel through these properties, and it now is so overgrown with marsh weeds and brush, that the water has no way to get away naturally. When we get spring flooding or heavy rains, 2-3 inches, my property floods due to the blockage. The flooding effect is getting higher and higher as the weeds keep getting thicker and thicker. I have experienced a great change.

Also, the Town of Amherstburg, has a storm sewer along the north side of Alma Street which drains water from Park Place subdivision, plus there is water coming into this drain from parts of the former Anderdon Township.

All this water from this system eventually flows and drains onto my property and can't get away due to the mass of vegetation and brush that is growing on the Klym and Massen properties at the other end.

I can and will be available to take and show any council member this problem so they could see for themselves.

I think the Town of Amherstburg should be concerned.

I'm asking you Mayor Wayne Hurst and the elected members of council if you would look into this matter and come up with a solution of how to improve this situation.

My property has been in my family for 70 years, and I know the way the water system works here.

The Creekside Hunting and Fishing Club has been granted a 2 year permit to drain and pump water out of the marsh plus build dykes for recreational purposes. This also causes vegetation to grow which has an impact on flooding on my property. For landowners north of their club - natural water HAS to flow south and have an outlet like in the past.

The flooding on my property, due to the above issues, are of a great concern to me.

Thank-you for your time.

Steve Patrick  
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