

AMHERSTBURG MUNICIPAL COUNCIL MEETING

MONDAY, JULY 23, 2007

At 7:00pm in the Council Chambers

Please Note: All Public Meetings of Council are recorded by an electronic recording device.

MINUTES

PRESENT:

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

ALSO PRESENT:

Frank Pizzuto, Chief Administrative Officer
Paul Beneteau, Treasurer
Carol Bendo, H.R. Specialist/Deputy Clerk
Lou Zarlenga, Public Works Manager
George Balango, Manager of Development Services
Stephen Brown, Chief Building Official
Lory Bratt, Planning Coordinator
Nick Renaud, IT Support Specialist
Ron Dzombak, Manager of Recreational Services
Corrine Gabriele, Public Works Office Manager

PRAYER

The Clerk said prayer.

DISCLOSURE OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

MINUTES OF PREVIOUS MEETING

Moved by R. White, seconded by R. Fryer that the minutes of a regular meeting of the Amherstburg Municipal Council held Monday, June 25, 2007, be adopted.

Motion Carried

Moved by J. Sutton, seconded by R. White that the minutes of the Amherstburg Municipal Council In-Camera meeting held on Monday, June 25th, 2007 be amended as follows:

Deputy Mayor Bailey reported that he disclosed a pecuniary interest on Report Item #3 and the minutes should be changed to reflect this as well as the fact that he left prior to the discussion of item #3 and returned once the discussion was completed.

Motion Carried

Moved by R. White, seconded by P. Renaud that the minutes of the Amherstburg Municipal Council In-Camera meeting held on Monday, June 11th, 2007 be amended as follows:

Deputy Mayor Bailey reported that he disclosed a pecuniary interest on Report Item #4 and the minutes should be changed to reflect this as well as the fact that he left prior to the discussion of item #4 and returned once the discussion was completed

Motion Carried

Moved by J. Sutton, seconded by P. Renaud that the minutes of the Amherstburg Municipal Council Working Session meeting held on Monday, June 11th, 2007 be adopted as circulated.

Motion Carried

Moved by R. Pillon, seconded by Deputy Mayor Bailey that the minutes of the Amherstburg Municipal Council Working Session meeting held on Monday, July 9th, 2007 be adopted as circulated.

Motion Carried

PRESENTATIONS

Moved by R. Fryer, seconded by R. Pillon that the presentations section of the meeting be moved ahead of delegations.

Motion Carried

- 1) John MacDonald presented Joseph Ferrarelli with a Youth Heritage Leader award.
- 2) Matthew Fischer, CEO, Windsor Essex County Development Commission presented to Council information regarding the WEDC and its direction. Main focus is to market Windsor Essex County as a region. Mayor Hurst and Deputy Mayor Bailey will be invited to the August 24th Economic Summit.

Moved by R. White, seconded by R. Bailey that the presentations be received as presented.

Motion Carried

DELEGATIONS

- 1) Bill Wark addressed Council regarding Accessibility Issues within the Municipality and raised questions regarding barrier identification methodologies, sensitivity training, treasury door, kiosk concept, electric door opener, front door remediation, traffic lights, County Rd# 20/Uptown Body Repair lack of sidewalk, Dalhousie St., KNYP (accessibility provisions, parking spaces (2), grade elevations at acceptable levels, Public meeting for 9/13 and asked that all be implemented in 2007. Mr. Wark supplied a copy of his comments in writing which are attached and form a part of these minutes.

Deputy Mayor Bailey, in his capacity as AAAC committee member announced that a public meeting will be held prior to the Accessibility Plan for 2008 being drafted.

Moved by R. Bailey
Seconded by P. Renaud

That the information as presented by Mr. Wark be received and further that administration address the questions raised and report back to council.

Motion Carried

- 2) Linda Saxon addressed Council with regard to Accessibility. The recorded delegation has been scribed and a copy is attached and forms part of these minutes.

Moved by R. Pillon
Seconded by J. Sutton

That the information as presented by Ms. Saxon be received and further that administration look into what we can do to make the website accessible and report back to council.

Motion Carried

- 3) Linda Thrasher addressed Council regarding matters relating to the Kings Navy Yard Park. Ms. Thrasher supplied a copy of her comments in writing which are attached and form a part of these minutes.

Moved by R. White
Seconded by R. Fryer

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

Motion Carried

- 4) Robert "Bob" Pulleyblank addressed Council regarding Kings Navy Yard Park Development Proposals. Mr. Pulleyblank supplied a copy of his comments in writing which are attached and form a part of these minutes.

Moved by R. Bailey
Seconded by J. Sutton

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

Motion Carried

- 5) Gordon Freeman addressed Council regarding Ron Koudys' drawing of Kings Navy Yard Park. Mr. Freeman supplied a copy of his comments in writing which are attached and form a part of these minutes.

Moved by R. Bailey
Seconded by R. Fryer

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

Motion Carried

- 6) Nick Mancinone addressed Council regarding Salmoni Building access. Mr. Mancinone supplied a copy of his comments in writing which are attached and form a part of these minutes.

Moved by J. Sutton
Seconded by P. Renaud

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

Motion Carried

- 7) Ria Smith addressed Council regarding the Salmoni access road through the Kings Navy Yard Park. Ms. Smith supplied a copy of her comments in writing which are attached and form a part of these minutes.

Moved by P. Renaud
Seconded by R. Fryer

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

Motion Carried

- 8) Reg Spencer addressed Council regarding Proposed Road in front of Cenotaph. Mr. Spencer supplied a copy of his comments in writing which are attached and form a part of these minutes.

Moved by R. White
Seconded by R. Bailey

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

Motion Carried

- 9) Paul Bezaire addressed Council regarding Navy Yard Park – Pending Changes. Mr. Bezaire supplied a copy of his comments in writing which are attached and form a part of these minutes.

Moved by P. Renaud
Seconded by R. Bailey

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

Motion Carried

- 10) Anne Eldracher was absent and her item moved to #13 once she entered council chambers.

- 11) Diane Pouget addressed Council regarding the Working Session of Council July 9, 2007. Ms. Pouget supplied a copy of her comments in writing which are attached and form a part of these minutes.

Moved by R. White
Seconded by R. Pillon

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

Motion Carried

- 12) Dr. J. W. Spellman addressed Council regarding honest, transparent Town government. The recorded delegation has been scribed and a copy is attached and forms part of these minutes.

Moved by R. Bailey
Seconded by R. White

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

Motion Carried

- 13) Anne Eldracher addressed Council regarding the wetland designation on the Big Creek. Her main concern is that the Oldham report is the only one considered and that the Town should investigate how the classification of Big Creek as a Wet Land was arrived at (especially since it is dry half the time) in order to avoid unnecessary costs of the upcoming study. Ms. Eldracher supplied a copy of her comments in writing which are attached and form a part of these minutes.

Moved by R. White
Seconded by P. Renaud

That the information as presented by Ms. Eldracher be received.
Motion Carried

FIVE MINUTE RECESS CALLED

The Mayor addressed the public regarding redevelopment and planning in KNYP, the condominium project and access road options. A copy of the address is attached and forms a part of these minutes.

REPORTS OF MUNICIPAL OFFICERS

Report #1

Administration has engaged the services of HGS Consulting to prepare preliminary landscaping restoration drawings for the parkette area of the Kings Navy Yard Park. Upon approval by Council said preliminary drawings will be utilized to prepare final engineering drawings by the consultant engaged by the Developer of the Salmoni building.

Gord Zimmerman, a member of the audience, requested to make a comment and he was allowed. The CAO confirmed a public meeting will be held in relation to the Parkette prior to the August 27, 2007 council meeting.

Moved by R. Fryer
Seconded by J. Sutton

That Council receive the Landscape concept plan for Kings Navy Yard Park Restoration of the Parkette by Ron Koudy's Landscape Architect; that final engineering drawings be prepared by the engineering consultant for the Salmoni building; that the Parks Committee/AAAC/Legion have input into the final drawings; and that the final drawings be brought back to council for approval.

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

Report #2

In recent weeks several concerned citizens and the Parks Advisory Committee have voiced their concern regarding the tree removal in Navy Yard Park on May 8, May 18 and May 19, 2007. Since that time several concerned residents made presentations to

Council regarding tree removal in general, access roads into Navy Yard Park, the historical nature of the Park, adherence to Provincial Policy Statements and the general nature of the Park. This report provides a factual overview of the issues, where they originated and overall comments on the delegations and the comments. In addition this report covers Salmoni Access Road facts, the definition of KNYP as an urban park which is neither active nor passive and environmental stewardship.

The CAO confirmed that this report would be made available to the public at the Clerk's Office and will be posted on the website.

Moved by R. Bailey
Seconded by P. Renaud

That the report from Frank Pizzuto, dated July 13, 2007 concerning Navy Yard Park and Related Matters be received.

Motion Carried

Report #3

This report deals with the comments received at the July 12, 2007 public information session regarding the proposed Dalhousie Street Reconstruction and also correspondence from the contractor indicating cost escalation if schedule delays are requested.

Moved by R. Bailey
Seconded by P. Renaud

That Council approve Option No. 2 as described by HGS Limited providing for a construction start prior to August 13, 2007 commencing at Pickering Street and proceeding northerly.

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

Report #4

This report deals with the activities of the Public Works Department maintaining a strong forestry infrastructure.

Moved by P. Renaud
Seconded by J. Sutton

That the report from Lou Zarlenga dated July 18, 2007 regarding Pro-Active Forestry Program 2007 be received.

Motion Carried

Report #5

On June 9, 2003 The Town of Amherstburg Council passed By-Law 2003-40 to regulate the planting, preservation, maintenance and removal of trees in public places within the Town. On February 28, 2005 Council updated this By-Law with By-Law 2005-19. This item is brought forward as a result of a motion by Councillor Pillon who requested information on why the By-Law was changed.

Moved by R. Pillon, seconded by R. Fryer that the Tree By-law be revisited by administration in concurrence with the Parks Committee and come back to council with recommendations for a revised by-law.

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

Moved by R. Bailey
Seconded by J. Sutton

That the report from Frank Pizzuto, dated July 23, 2007 regarding Tree By-law Changes be received.

Motion Carried

Report #6

This report follows Council's direction from the July 3, 2007 working session to develop a procedure in connection with deferral of Development Charges and collection at closing or within 18 months of deferral.

The CAO and the Treasurer clarified that there are no costs to the Town in accepting Development Charges Deferral Agreements.

Moved by P. Renaud
Seconded by R. White

That the Town of Amherstburg implement Development Charges Deferral for a 12 month period effective August 1, 2007;

That staff be authorized to prepare Development Charges Deferral agreements;

That the Town Solicitor be requested to review the Development Charges Deferral agreement.

Motion Carried

Report #7

This report provides an update on the Towns progress towards establishing a program of identifying sidewalk deficiencies and systematically replacing damaged sidewalks.

Moved by R. White
Seconded by P. Renaud

That the report from Lou Zarlenga, dated July 28, 2007 regarding Sidewalk deficiencies Identification and Repair Program be received.

Motion Carried

Report #8

The owners of 1105 Front Road S. have requested the property be considered for Part IV designation under the Ontario Heritage Act by designating it as a heritage site.

Moved by R. Bailey
Seconded by R. Fryer

Through the Amherstburg Heritage Committee, it is recommended that Council proclaim a "Notice to Designate" the property situation at 1105 Front Road S. pursuant to the Ontario Heritage Act.

Motion Carried

Report #9

This report summarizes the findings of staff's investigation of Mr. Patrick's concern regarding flooding on his lands.

The Conservation authority will identify blockages in the fall when they are able to see them and Mr. Patrick has been notified of this action.

Moved by J. Sutton
Seconded by R. Pillon

That the report from George Balango, dated July 17, 2007 regarding Steve Patrick Delegation, June 25, 2007 be received.

Motion Carried

Report #10

The Ministry of the Environment has approved a water taking permit for Creekside Hunting and Fishing Club for a 5 year period.

Moved by J. Sutton
Seconded by R. White

That the report from George Balango, dated July 17, 2007 regarding Big Creek Marsh Water Taking Permit be received.

Motion Carried

Report #11

During its 2007 budget deliberations council approved funding for transit services to commence on September 2007 subject to gas tax availability and partnership with the Town of LaSalle and Windsor Transit. Detailed discussions on public transit services have been ongoing with both the Town of LaSalle and Windsor Transit.

The CAO notified council that the Warden of Essex has arranged a meeting with all of the municipalities and Windsor Transit.

Moved by R. Pillon
Seconded by J. Sutton

That the report from Frank Pizzuto, dated July 11, 2007 regarding an Update on Public Transit Services for Amherstburg be received.

Motion Carried

Report #12

This report provides a summary of the highlights of the first three months of operation at the Visitor Information Centre for 2007.

Councillor Sutton requested that upcoming reports include comparative year over year stats.

Move by R. Fryer
Seconded by P. Renaud

That the report from Carol Bendo, dated June 30, 2007 regarding Visitor Information Centre-Mid-Season Report be received.

Motion Carried

Report #13

Parks Canada has requested that the Town signs an agreement with them for the Canada Day Event held on July 1, 2007.

Moved by R. Bailey
Seconded by P. Renaud

That Council authorize the Mayor and Clerk to enter into an agreement with Parks Canada for the Canada Day Event held at Fort Malden National Historic Site July 1st, 2007 as organized by the Municipal Events Committee of Amherstburg; and that Council authorize the signing of the application, waiver and acknowledgement.

Motion Carried

Report #14

To provide Council and Administration with an update regarding the "Birding in the Essex Region" Study in which the Town of Amherstburg is a member of this specific group and to request that a representative from the Town of Amherstburg continue to attend meetings and update the Council on progress.

Moved by P. Renaud
Seconded by R. Fryer

That the report from Carol Bendo, dated July 6, 2007 regarding status on "Birding in the Essex Region" Study be received.

Motion Carried

Report #15

St. Andrew's Presbyterian Church is holding a concert and BBQ for their Junior Alpha Course in Toddy Jones Park on Wednesday, August 29th, 2007 and is requesting that the Park Fees are waived.

Moved by R. Fryer
Seconded by R. White

That the Town waive the fees for Toddy Jones Park for St. Andrew's Presbyterian Church on Wednesday, August 29, 2007.

Motion Carried

Report #16

Lighthouse Baptist Church is holding a Church Picnic in Toddy Jones Park on Sunday, August 19th, 2007 and is requesting that the Park Fees are waived.

Moved by R. Pillon
Seconded by J. Sutton

That the Town waive the fees for Toddy Jones Park for Lighthouse Baptist Church on Sunday, August 19, 2007.

Motion Carried

Report #17

A parade has been scheduled by the Lions Club for the Lions Club Family Fun Day which will also coincide with the Town of Amherstburg Municipal Day on Saturday, August 18, 2007. The Lions Club is requesting approval from the Town of Amherstburg to close roads, based on the attached map, during the parade.

Moved by J. Sutton
Seconded by R. White

That the Town of Amherstburg approve the road closure request from Amherstburg Lions Club which will be staging a parade on Saturday, August 18, 2007 based on the attached map.

Motion Carried

**Moved by R. White and seconded by R. Fryer that the meeting continue past 11pm.
Motion Carried**

Report #18

The recent repairs to the refrigeration plant at the Amherstburg Arena as well as base building repairs and improvements have allowed ice to be very stable and of good quality for this season.

Moved by R. Bailey
Seconded by J. Sutton

That the report from Ron Dzombak, dated July 16, 2007, regarding Arena – Ice In 2007/8 be received.

Motion Carried

Report #19

The Refrigeration Plant at the Amherstburg Arena was assessed as part of the Arena Facility Audit begun in March 2007. Management further investigated on an item-by-item basis those particular elements that were in need of repair to be able to hold ice in Summer/Fall 2007.

Moved by P. Reanud
Seconded by R. Fryer

That the report from Ron Dzombak, dated July 16, 2007 regarding Emergency Arena Repairs – Refrigeration Plant be received.

Motion Carried

Report #20

In order to assist those with disabilities the Town of Amherstburg website is now compliant with the W3C website accessibility standards. Web accessibility means that people with disabilities can perceive, understand, navigate and interact with the Web and that they can contribute to the Web.

Moved by R. Fryer
Seconded by J. Sutton

That the report from Dave Carpenter, dated July 23, 2007 regarding Town of Amherstburg Website Accessibility be received.

Motion Carried

Report #21

Council passed By-law 2007-48 on June 25, 2007 being a bylaw to rezone 93 North Street for a Temporary Use (Temporary Montessori School day care.) Subsequent to sending out the Notice of Passing we received an appeal to the bylaw. Since the receipt of the appeal, the applicant has submitted a written withdrawal of her application due to the time constraints she must meet.

Moved by R. White
Seconded by R. Fryer

That the report from Lory Bratt, dated July 18, 2007 regarding Status of Bylaw 2007-48 Zoning Bylaw Amendment Temporary Use, 93 North Street be received.

Motion Carried

Report #22

Council is asked to approve the Write-Offs and Changes in Assessment as presented and pass By- Law 2007-51.

Moved by J. Sutton
Seconded by R. Pillon

That the report from Paul Beneteau, dated July 4, 2007 regarding Tax Write-Offs and Assessment Changes be received and approved and that

By-Law 2007-51 being a By-Law to strike taxes from the tax roll and to adjust assessment values on properties.

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.

Motion Carried

Report #23

In the past months of review it has been found that at no time over the 36 years of operation of the AMA/Amherstburg Arena, has ice use by groups been based on any specific registration criteria.

Moved by R. Fryer
Seconded by R. White

That the Town of Amherstburg engage the public and user groups in a consultation process leading to a policy on ice allocation at the Amherstburg Arena.

Motion Carried

CORRESPONDENCE

Items # 1-5, 7, 8

Moved by R. White
Seconded by R. Bailey

That the following correspondence be received:

- 1) Shores of Essex Research Corporation Letter of Introduction
- 2) Essex County Council Resolution Re: Detroit River International Crossing Study
- 3) Rotary Club of Amherstburg Letter of Thanks
- 4) Gosfield Comber Wind Energy Project Newsletter
- 5) Nominations to the 2007-2008 AMO Board of Directors Report
- 6) AMO Communication regarding Clean Water Act (see below)
- 7) Verdi Club Letter of Thanks for Waiving License Fees
- 8) Notice of Hearing between General Chemical Industrial Products Inc. and MOE

Motion Carried

Item # 6

Moved by R. Pillon
Seconded by R. Fryer

That the AMO Member Communication on *Province Proclaims the Clean Water Act – Municipal Government Action is Required* be received and appropriate action be taken regarding municipal groupings and the nomination process.

Motion Carried

BUSINESS LICENCES

Moved by P. Renaud
Seconded by R. Fryer

That the Business Licence Application from Yeguo Cheng and Yejun Cheng be received and approved such that Yeguo and Yejun Cheng be granted permission to operate a Gas Bar/Variety Store in the name of Driftwood General Store located at 1800 County Road # 20, subject to compliance with all agencies and regulations.

That the Cab Licence Application from R.J. Haystead be received and approved such that R.J. Haystead be granted permission to operate a cab with South Shore subject to compliance with all agencies and regulations. (Copy of Police Search is attached).

Motion Carried

OTHER MINUTES

Moved by J. Sutton
Seconded by R. White

That the minutes of the Amherstburg Heritage Committee meetings held on April 26th, 2007 and May 17th, 2007 be received as circulated.

Motion Carried

Moved by R. Fryer
Seconded by J. Sutton

That the minutes of the Amherstburg Committee of Adjustment meeting held on Tuesday, May 29th, 2007 be received as circulated.

Motion Carried

Moved by P. Renaud
Seconded by J. Sutton

That the minutes of the Amherstburg Parks Committee meetings held on June 7th, 2007 and July 5th, 2007 be received as circulated.

Motion Carried

Moved by J. Sutton
Seconded by R. Fryer

That the minutes of the Amherstburg Municipal Council Public Meeting held on Monday, June 25th, 2007 be adopted as circulated.

Motion Carried

UNFINISHED BUSINESS

R. Pillon: The concept drawings for the Larry Bauer memorial park have been completed. He will have Mrs. Bauer review them first then bring back to council for their concurrence.

NEW BUSINESS

1. Councillor Renaud: Asked that administration look into the asphalt behind Uncle Vito's and who owns which spots in the parking lot. F. Pizzuto clarified that we own a 10 foot walkway and the rest is owned by four different abutting property owners. Also, council voted to contribute 50/50 with the owners to costs associated to the parking lot. GIS diagram will be placed in council mailboxes.
 - i. Councillor Fryer: "Parking here" sign is up but there is no direction to lead to the parking lot. This needs to be investigated.
 - ii. Mayor Hurst: Removal of weeds in the area needs to be addressed
2. Councillor Sutton: Requested council to meet with committees on a quarterly basis so that everyone is aware of the items that are being worked on jointly.
3. Councillor Fryer: Received an email from Dr. April Hernandez regarding bruises and scrapes at the Splash Pad. Requests that resurfacing be considered and administration report back to council.
4. Councillor Pillon: Requesting a quarterly budget report. Will be reported on the August agenda.
5. Mayor Hurst allowed comments from Planning Coordinator Lory Bratt regarding Official Plan meeting which was tentatively set for August 20, 2007. Council agreed that an alternative date be suggested as a Council Quorum is required.

BY-LAWS

By-Law 2007-51 being a By-Law to strike taxes from the tax roll and to adjust assessment values on properties. (see report 22)

Moved by R. Pillon
Seconded by R. Fryer

By-Law 2007-52 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.

Motion Carried

NOTICE OF MOTIONS

Being none, Council moved on to the next item.

ADJOURNMENT

Moved by P. Renaud
Seconded by R. Fryer

That the meeting adjourn.

Motion Carried


MAYOR


CLERK

Mayor's Address
As presented to Council at the Public
Meeting held July 23, 2007 and forming
part of the minutes of the meeting.

1 of 4

PRESS RELEASE

COMMENTS OF AMHERSTBURG MAYOR WAYNE HURST

JULY 23, 2007

COMMENTS OF AMHERSTBURG MAYOR WAYNE HURST JULY 23, 2007

I wish to take time tonight to comment on some important issues and to focus on our community's progress, potential, and future.

Let me begin by commenting on recent public expressions of concern which relate to redevelopment and planning – the concerns over the condominium project, the access road options, and the Navy Yard Park.

I want to touch on the Salmoni Condominium development project for a moment. Mr. Angeleri has made a considerable investment in our community and recent public expressions have cast doubts on his integrity and role in the adjacent park issues. Nothing could be further from the truth. He has acted in good faith, has abided by all agreements, and intends to carry through on parkette renewal as agreed to. Mr. Angeleri is not a silent party to any underhanded alleged deals. I want to remind the public that developers are people also, and were there no developers, many of our parks would not exist. I look forward to the full occupancy of his condominium project which brings renewal and life to the Dalhousie/Richmond commercial district.

I want to address the issue of the access road, which has confused the planning issues with an alleged loss of park land. This confusion has fed unsubstantiated claims by some citizens at recent council meetings. The record shows that the planning and decision-making was clear and open. The clear benefits were shown to the public. Despite this fact, a group of residents are asking for the old access road. This is impossible, since it is not in the signed agreement. Again, this confusion has led some to doubt the developer, and to castigate council. Mr. Angeleri played no role in the newer access road proposal issue, and council has reaffirmed the site plan option. It is time to move ahead on the agreements in place.

I want to address the issue of the six (6) pines removed which were located directly behind the Salmoni condominium project on the park boundary line. These trees were

(2)

identified in the park master plan as obstructing a view looking south. They were crowding together and not in good condition. A decision was made by staff to remove these trees, and not raise the canopy. Safety concerns were included in the decision. There was a protest sign which said "parks are for people not developers". The sign had poor logic. The developer was not involved, and the reasons had nothing to do with the development agreement. Once again, Mr. Angeleri has been the object of unsubstantiated protest.

As confirmed in the Official Plan and the recent review plan of the Navy Yard Park, this jewel, this public park, serves as an urban park along the heritage designated Detroit River. As an urban park, it should be enjoyed by all residents, and it must foster our community's well being. That's why we have seen a variety of passive and more active events over the years: walking, fishing, bench sitting to watch the boats, or cuddle with a sweetheart. Historical recreation events have been held here, concerts, Remembrance Day ceremonies, seasonal and Christmas events, just to name some. The park has not been damaged through these events, and council has the opportunity to encourage or support well thought out activities in the future. The point I am making is this: the park is not a static place, locked into limited and "passive" events only. It is a people place and its identity evolves in response to community needs.

As the recent park review plan outlined, the river view dominates the park location. As identified in that plan, without the sight line, you lose the very essence of the river. The removal of six (6) pines next to the fishing pier was a response to crowded and poor tree condition, safety concerns, and to the identified issue of sight lines in the master park plan. This was a conscious decision and allowed under the by-law governing tree removal. Lack of communication to council and the parks advisory committee is acknowledged, but I can assure you that certain public allegations of criminal activity, deceitfulness or underhandedness are totally inaccurate, Further, insinuations against the character of our staff and in particular Mr. Frank Pizzuto, are totally unfounded,

(3)

unjustified, and lacking in credibility. Mr. Pizzuto is the best CAO who I have ever had the pleasure of working with.

In furthering of the sight lines of the park, and the master park plan recommendation to widen the riverfront walkway, the removal of some flowerbeds occurred, and some seven (7) trees were removed in the process. The trees were located inside the flowerbed plantings, and standing alone infringed on the pathway. This action was not as alleged a "tree cull" or "tree butchery". Suggestions that tree removal actions were contrary to provincial policies and environmental legislation is just not true. The park is defined as open space in our official plan. Nothing more, and nothing less.

The historically significant features of the park and area are acknowledged, supported, and have not been interfered with at all. This is a significant point to make tonight.

And now it is time move forward and focus on our community's future. Our town cannot stagnate because of these recent events. We are not dropping back: we are moving forward. We must increase our tax base and not our taxes. Investment is the key, and behind investment are investors, people who wish to take risks and wish to become part of our community. We must do all we can to promote our community. Council has learned from this experience. Council has a very busy agenda in the coming months and as Mayor, I believe we will "stay the course" on our plans for a progressive Amherstburg. I am asking all citizens to move forward and make the community better, together.

Thank you very much.

Delegation #1- Mr. Bill Wark
As presented to Council at the Public
Meeting held July 23, 2007 and forming
part of the minutes of the meeting.

1 of 2

Good Evening Mayor Hurst and Members Council,

Thank you for letting me speak to you regarding accessibility and more specifically Barrier Identification Methodologies as found on page 7 and 8 of the 2007 Accessibility Plan.

I would first like to start by addressing Sensitivity Training and it's status, in 2006, information was presented to the AAC regarding pricing and availability. This information was forwarded through the AAC by myself to council by way of meeting minutes. Regarding this item I simply ask the status and the intention of council?

Treasury Door as indentified in the 2006 priority rating year. Will this item be addressed? I understand there is consideration being given to a kiosk initiative. Will this kiosk concept be implemented this year. An electric door opener should be considered even if a kiosk is implemented as it would potentially alleviate a barrier for municipal employees with mobility impairments. The municipal building itself could be made more accessible by front door remediation.

Traffic Lights, I believe this item is proposed for the 2007 budget, can it be addressed this year?

Location of Paths in Parks. I would like to point out a major improvement has taken place in the Toddy Jones park this year, however 2 items noted in the June 5, 2007 AAC minutes should be addressed this year. They are the County Rd. 20 in front of Uptown Body Repair lack of sidewalk and the west side of Dalhousie St. at Richmond (lack of curb cut at cross walk).

The Kings Navy Yard Park. Regarding this item I will limit my comments to this, any revisions or amendments made to this park must include accessibility provisions. I have reviewed the current plans and have concerns regarding accessible parking, remediation must include accessible parking spaces at least two (2). And grade elevations, they also must be at acceptable engineered levels. The municipality should not introduce elevations that would inhibit wheelchair, scooter access.

At the last AAC meeting it was proposed that a public Accessibility

Delegation #1- Mr. Bill Wark
As presented to Council at the Public
Meeting held July 23, 2007 and forming
part of the minutes of the meeting.

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meeting be planned for September 13th and implemented. I ask that council endorse this initiative and advertise this meeting in local media (papers).

I have limited my comments to respect timelimits although many other barriers still exist within the municipality. And would like to add the AAC is working on these items.

In closing, I respectfully ask council to review these comments with a view to implementation in this current municipal year.

Respectfully,

Bill Wark

BARRIER IDENTIFICATION METHODOLOGIES

The methodology used was to determine a cost effective approach that identified and placed a priority of improvements that will remove restrictions existing in the Town facilities.

<u>PRIORITY RATING (YEAR)</u>	<u>BARRIER</u>	<u>TYPE OF BARRIER</u>	<u>STRATEGY FOR REMOVAL OR PREVENTION</u>	<u>STATUS</u>
2006	Condition of sidewalks in various locations	Architectural & Physical	Initiate sidewalk inspection and renovation program	Ongoing
2006	Information on accessibility when marketing Tourism and Convention	Communicational & Informational	Work with Chamber of Commerce to update	Ongoing
2006	No inventory of accessible municipal features and facilities	Architectural & Physical	Complete inventory and monitor	
2006	Website enhancement	Technological	Complete in accordance with guidelines	
2006	Lack of material being provided in alternative formats	Technological	Let Public know it is available through CNIB & other channels	
2006	Sensitivity Training for administration	Policy & Practice	Provide training in 2006	
2006	Signage outdated	Communicational	Consider use of international and universal symbols and tactile signage	
2006	Trash receptacles, drinking fountains, and benches are not accessible	Physical	Take inventory to determine if improvements can be made.	Ongoing
2006	Door into Treasury Office	Physical	Install an electric door opener with push button	

Delegation #1- Mr. Bill Wark
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2007	Traffic Lights – persons with visual or audio impairment are unable to know status of traffic lights	Communicational & Physical	Install sound system on traffic lights or countdown feature	Ongoing
2007	Location of paths in Parks to be reviewed to determine if more are required	Physical & Architectural	Improve Accessibility	Ongoing
2007	Fully accessible playground	Architectural		
2008	Clerks offices and Planning & Building offices are not accessible	Architectural & Physical	Improve accessibility	

The following is a copy of the recorded delegation by Linda Saxon addressing Council regarding accessibility.

Members of council, my submission to the accessibility committee in 2003 was that the Town's website was a barrier, it was included in the Town's first accessibility plan, but relegated for removal in year 3. I then advised council that the site could conform to accessibility guidelines easily during the first year instead of year 3. I requested council incorporate my submission into the Town's first accessibility plan but my presentation was referred to the Amherstburg Accessibility Committee to be dealt with expeditiously. The second annual plan listed the website as a priority for 2005. In July 2005, Mr. Carpenter advised me that the current plan is to launch a new website approximately December 2005 which will comply with web accessibility standards. In December 2005, Council approved the third annual plan which then listed the website as a priority for 2006. In early 2006, Mr. Carpenter advised me that he was working on a new website and that it should be ready in 6 months. The current plan, the fourth annual, lists as an accomplishment website improvement through updating of sites, but the barrier removal strategy in the plans was to complete in accordance with guidelines. The barrier identification methodology used by the accessibility committee, and endorsed by town council for 4 years, is cost effectiveness, but since you had the staff it was cost effective for the website to become accessible. Tax payers are expected to support a costly municipal police service and pay an additional two hundred and fifty thousand dollars in consultant fees for the police department in one year. Last month, I recommended the town hire a web accessibility consultant, but you refused to even commit to a yes or no answer. All you did was receive my information. The notification letter ended with trusting this is satisfactory, with a copy to the accessibility committee. It is never satisfactory when you do nothing. For several years, council has received my input regarding accessibility issues. On one occasion, it was moved that my presentation be received and forwarded to the accessibility committee for consideration and a report be made to council. I've asked for a copy of that report three times and I would still like to receive a copy. This is request number four. The website was checked by a web accessibility professional, the result was published in accessibility news, an online newsletter that is distributed throughout the province at accessibilitynews.ca. It reads in part, Town of Amherstburg website, not accessible. This site does not meet the minimum requirements, priority one for web accessibility, and will pose a significant barrier to a large number of persons with disabilities. Accessibility news comments, this was a very difficult website to navigate with links that went nowhere, new windows popping up without warning, no alt text for images, and lists that weren't structured properly just to name a few accessibility issues. Geof Collis of badeyes.com can audit the website for five hundred dollars. I understand that he has been highly recommended to Deputy Mayor Bailey and that he has attempted to contact Mr. Bailey. I would still encourage you to hire him to ensure the website is accessible. Not only is the website not accessible, accessibility committee minutes are not posted, the current accessibility plan is not posted, and after telling you last month that the accessibility directorate of Ontario stated public meetings should be held once a year, you did nothing but receive. I have

Delegation # 2 – Linda Saxon
As presented to Council at the Public
Meeting held July 23, 2007 and forming
part of the minutes of the meeting.

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seen council concur with requests, establish dialogue and attempt to move forward on some issues, whereas my only recourse is to file human rights complaints, even then the town's response includes disgraceful comments like, "The fact that people may consider her to be annoying is attributable to her personality, and not to her disability." Is this the responsible, accountable, and transparent government that many of you campaigned for last year?

Delegation #3- Ms. Linda Thrasher
As presented to Council at the Public
Meeting held July 23, 2007 and forming
part of the minutes of the meeting.

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PRESENTATION TO AMHERSTBURG TOWN COUNCIL
BY
LINDA THRASHER

MONDAY, JULY 23, 2007

Good evening Mr. Mayor and Council Members. My name is Linda Thrasher and I am here concerning the tree cutting issues that occurred in the Kings Navy Yard Park this past May.

Mr. Mayor, the trees are gone. Nothing can be done to get them back, but there is one unanswered question concerning that tragedy that I must put to you.

Isn't it true that you as mayor and Mr. Pizzuto have knowledge of who gave the order to cut those trees down ?

Just a yes or no answer is all that is required.

(Follow up question if answer is YES)

What is the name of this person that you have knowledge about ?

(Follow up if answer is NO)

So anything you don't want the people of Amherstburg to know, you just say no or it's a personnel matter or whatever you can come up with to avoid answering the question .

Well someone made that decision, Mr. Mayor and if you don't know who did, it is your responsibility as mayor to find out. What specifically have you done to find out who gave this order ?

I'm getting the impression that decisions are being made and carried out without your knowledge. If that's the case, Mr. Mayor you're really not in charge, are you ?

After the trees were cut down, you stated that there was some sort of mis communication for this destruction. Would you be more specific and explain just what the mis communication was and who was involved in the discussion?

Your hesitancy in being cooperative makes me think that there may be a cover up of some kind and forces me to want to dig deeper. Are you protecting someone , Mr. Mayor ?

You know, when I attended the Faculty of Education in Windsor, approximately thirty - five years ago, the one thing that was stressed to the student teachers was to be open and honest in

2 OF 2

our teaching career. Don't hide anything, be trust worthy and always face up to any wrong doings. That was the only way to be in the teaching profession and to gain the trust and respect of our students. I just assumed that it would be the same here with the Mayor and Town Council, but I'm afraid that's not the case.

Mr. Mayor, I would now like the opportunity to ask each Council Member the same question that I put to you. I will read the question once and then ask each council member to respond with a simple YES or NO.

FRANK PIZZUTO 9 L04 ZAHENGA

Do you ~~now~~ know the name of the person who gave the order to cut down those trees? If so, please state the person's name.

~~(Robert Bailey, Rosa White, John Sutton, Robert Pillon, Paul Renaud, Rick Fryer)~~

(Follow up if request denied by Mayor Hurst)

What is your reason for denying me this request?

Why are you concerned about the response by the councillors?

Are they not allowed to answer questions from the taxpayers?

Mr. Mayor, I had sent you, and the council members a letter with these concerns. The letter was dated June 21, 2007. That was approximately a month ago and I have only had a response from one councilman, Rick Fryer. Mr. Fryer, you are to be commended for truly understanding your role as a councilman and I thank you for being so courteous.

I find it very difficult to accept that you Mr. Mayor, your Administrative Staff and Council Members did not know that this tree cutting tragedy was to take place and that no one will admit to knowing who gave the order. This is a very serious offence that requires an ongoing investigation. Since I did not get the answers I was seeking tonight, I am quite prepared to continue with my questioning. I will keep coming back to these meetings until the truth is made public.

Mr. Mayor, while you and the council are in office, you have an obligation to the people of Amherstburg to be honest and open in every decision and response you make. It is not part of your job description to protect a dishonest person, to cover up any wrong doing, or to dismiss any concerns of the people of this town.

Thank you for this time.

Monday, July 23, 2007

Thank you Mayor and Council for allowing me to speak about the King's Navy Yard Park.

The following are items that are of concern:

1. Some people think we have a large amount of trees in the Navy Yard Park. However, they forgot about the heavy loss of Elm and Ash trees. Not only in our area but in the Toronto region there is damage being done to the maple trees from beetles. Moreover, currently half of the oak trees in the Navy Yard are dying due to neglect. Any tree trimming being done is taking away nutrients from the leaves that go back into the tree into its roots.

Our environment and climate are changing and we have to save our trees!

2. The landscape plan is currently the fourth set of plans for the Navy Yard's parket. One thing in common of all four plans is a different way of removing the trees. The following are areas of concern.

- a) Parking lot expanded
- b) Moving the curb over four feet
- c) Paving over the tree area with pavers

d) Two rows of gap rows ~~not~~ to be 18" deep and scary sub grade. 6" total of 24". The two rows will cut the roots trees with one every two feet. This is done by digging a 18" wide trench and excavate down 16" and 6" the sub grade plus 6".

These trees will not survive.

Remember the Landscape Plan is in the discussion phase only.

When will the final plan be presented?

Page two...

Placing of tree replacements as required by the resolution of Council and designated by the Architect.

The following are trees to be replaced:

3 Flowering Pears at bottom of slope at driveway

2 Flowering Pears on the condo's private property at the rear

1 Tulip tree at the on the condo's private property at the rear

Our concerns are that:

- Tree replacements were for trees cut down in the Navy Yard Park, however 3 trees are being installed on the condo's private property.
- Tree replacement according to Town of Amherstburg's Bylaw 2005-19. Trees listed according to this by-law does not list Flowering Pear trees.
- That the Navy Yard Park is recognized as a Historic Park and only native trees to this area should be allowed according to this Bylaw.
- That excavation is not allowed within 10 feet of the tree's drip line.
- The shrub bed along the parking lot area does not provide for space for residents to get off the road for safety.

Again, this fourth plan number is for discussion only. Before the final plan is set, the Parks Board and Historical Committee should have input.

Page three...

Cenotaph:

It has been over 3 months since the Victoria Day cruel demise of cutting down 17 trees and therefore leaving the Royal Canadian Legion in the dark regarding the restoration of the Cenotaph area.

The Cenotaph has been left in a disgraceful state especially allowing construction vehicles to park right in front of it. The least that could have been done was to fence off this area.

Only after four landscape plans has the Town shown interest in the Cenotaph area.

These actions are very disrespectful to our veterans.

This landscape plan being a discussion phase should have input from our Legion, Parks Board and Historical Committee.

The following are suggestions for the cenotaph:

1. The Cenotaph should be considered a highly protected area.
2. A wreath should be placed there and remain there.
3. To relocate flagpoles to a proper location.
4. An electrical outlet should be installed for special events.
5. Sitting benches off to the side should be installed.
6. The new access road is too steep for the Vets to walk on or wheel chairs go down and up on. Proper access should be looked into.
7. To stop any vehicles from parking on this site.
8. Install flat curbs to allow Vets to enter this area.

Since the Navy Yard Park is designated a Heritage site, a lawyer told me that the proper steps of transferring part of the park to private control and maintenance should be taken. If not, the whole bylaw could be challenged.

We are asking for a resolution from the Council that Bylaw 2005-19 being up held and no further trees be cut down, no tree roots be further damaged, no cutting of limbs in excess of 9 feet off trees be allowed.

Amherstburg Parks Committee

PRESENTATION TO COUNCIL JULY 23, 2007

You have all received the Parks Committee critique of the Ron Koudys' plan for the KNYP parkette. The Committee hopes that you went to the site to consider our suggestions because a first hand view emphasizes the points we made as far as size, space and safety concerns.

We believe the Richmond route serves the town better than the Echo route as drawn in the plan. It allows for the planning of a town square which is larger and connects with the rest of the park. The cenotaph would be a focal point instead of a roadside monument and it would once again be a respected part of the square and the park.

The unsafe condition that the Echo route would bring must be made a very important issue. A road going through an existing parking lot and then entering the park at the main entrance is an accident waiting to happen. There are just too many pedestrians that would use the road to gain access into the park and this would make the entrance very unsafe.

If the square is to be used for more events, as has already been suggested, there will ultimately be a clash with the condo owners and their right to free access to their building. This will mean a confrontation and the possibility of the owners dictating as to what use the square may be used for. This won't make the townspeople happy!!

The latest plan #3 does not allow vehicles anywhere on the Richmond right-of-way. Where do furniture and moving vans unload? Right now they unload right at the north main entrance and in the future according to the plan, on Dalhousie St.

Enough of why the Echo route is not our choice of entry.

The advantages of the Richmond St. entry are as follows:

My name is Nick Mancinone, I am vice-president of the
Town of Malden Horticultural Society, a very concerned citizen.
I have been in the building industry most of my adult life
and I have seen messes before but this one takes
the cake. Rules and laws are made to protect and
benefit everybody and usually work. Many times
when you break one rule, you later find that you
have to break others to overcome the first mistake.
Kaos can and did result in this case. It appears
that everyone meant well when it all started. Mr.
Angileri wanted to make a few dollars and our
council wanted to have this old building
re-developed to gain some income from it. You
cannot blame Mr. Angileri for wanting to gain
or maximize his return on investment by asking
for breaks and concessions. The town should
have been more firm and should have refused a lot of
these deviations, but obviously went along.

2
Many deviations from the norm occurred and these variations contributed to what appears to be an overbuilding of the premises resulting in a higher price for the units. I will only mention those rules that were bypassed to get my joint across to save time. No one needs to know all the facts at this time. Naturally, the higher the price of a unit the harder it is to sell especially in the present economy. It was foolish to believe that cutting down those trees would help to sell these units. I call them the "trees of truth" because if you had not cut those trees, you would not now have all this bickering, bad publicity and many people investigating your activities. The real joint here is that if the authorities had acted by the rules, this building could have been designed differently for the benefit of all. As it is, this building does not qualify for either; Heritage Designation or Commercial General & zoning by-laws.

3

Delegation #6- Mr. Nick Mancinone
As presented to Council at the Public
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The development agreement provides for 2 things basically
An access-way through our parkette to the back of the
new building and almost all of the required parking
spaces to comply with the by-laws, a few more are required
This is done by means of a Registered Right-of-Way in
favour of the condo owners for now and forever
even though they were allowed an exemption of
about \$74,000.00 in Development charges. This
arrangement will be detrimental to all the local
neighbourhood shops & businesses. We paid for
this parkette, but we will have to take a chance on
finding a parking space when we visit our park or
local merchants. No parking will direct customers
elsewhere. This access road will have a ramp in it
with a drop of more than 4 ft. in about 35 ft.
it will have a 45° turn at the slope. This ramp
will be an open invitation to children of all ages to
come & play with their wheeled gadgets creating a
HAZARD

④

Traffic will be moving faster because it will now become a through-way endangering children coming from beside parked cars. Drivers will not be able to see small children playing because of the curve and shrubs which will obscure vision. A road through a park is a danger in itself. To conclude: I'm asking you to forget about the parking rule, it's not the most important rule that was bypassed, do not create this dangerous condition, rescind the right-of-way in that location. Give them a right of way for a driveway next to the building, under the same conditions with a four ft. side yard like the south side. We will get our park back. The Condo Corp. will save a lot of money for not building the ramp and will have a lot less expense to maintain in the future. You can resolve this conflict tonight or you may escalate it. It's up to you. You can go home knowing that you have made a just + proper decision or you can go home as the Council that made Amherstbury CRY.

Ria Smith. ①

1066
RE: Salmon Access - COUNCIL COPY

- ① In the 1980's, the town amassed land along the riverfront for parkland to provide ~~the~~ access to those who ~~do~~ do not have the privilege of waterfront ownership.
- ② The old post office site became a tree parkette with access to the Salmon, ~~the~~ the Del Col and the Hall Bldg through the Richmond St. right-of-way which adequately serviced local traffic as well as garbage and delivery trucks.
- ③ After Mr. Angilieri's purchase of the Salmon Bldg., his architect Mr. Joe Toth presented a site plan as well as a landscape plan of the parkette to Council. From the July 17 '07 Echo, he recalls the vote on the site plan "I can recall it was approved unanimously, the parkette was approved in such a way that the trees are removed and a fountain and decorative landscaping put in." The plan ~~pro~~posed a central access south of the Echo bldg and through the parkette on the basis of an oral report by Mr. Toth that the Richmond St. right of way was deemed inadequate for fire trucks.

Our investigations have determined that no such report by the fire dept. was made or exists.

Also, in the minutes of the July 9'07
council meeting art: 7

" It was made clear by Ms Bratt that
the proposed access road was required
for a fire route "

Mr. Gord Freeman spoke to Ms Bratt last
Wednesday ~~week~~ to clarify this inconsistency.

Ms Bratt confirmed the the ~~said~~ minutes
should have read " the proposed access
road was not required for a fire route. "

- ④ The Toth plan was presented to the Parks
Comm. in Apr 2005 as a " fait accompli "
and we were asked for comments.

From Apr 27 '05 min.

" a problem we see with the concept
is that there are no trees to offer shade
in the summertime "

An overlay plan was developed by Public
works & the Parks committee to incorporate
as many existing trees as possible and
from the July '05 Parks min! " Mr. Zarlenga
& Mr DeThomasis were to determine, after
discussion with Mr Toth, the position
of additional trees. "

3866

3

- ⑤ In Apr 2006, Brown & Storey were selected as consultants for the KNYP. From the July 6 '06 steering committee meeting they comment that "the Toth plan effectively prevents the development of a strong civic space and is a hindrance to pedestrian traffic"

Throughout the over 1/2 year of steering committee meetings, it was frequently commented that private interests & development must not encroach on public park land & that we needed to maintain boundaries and perimeters separating private from public interest.

On pg 9 of the Br & St Master Plan presented to and accepted by council on Feb 25 '07 they state that "it is their goal to provide a civic space at the Richmond St axis"

- ⑥ After the removal this spring of 19 trees in the KNYP, their proposal for a south access via Old Water St. was deemed unacceptable because of the impact on additional trees.
- ⑦ This brings us full circle to the Koudy plan proposed by Mr. Angilier.

- ① The Koudy plan for the parcellite is essentially a landscaped parking lot for the Salomon Bldg.

It allows the original Toth proposed centre access to the underground parking. Again this crosses public land and takes away a large part of the square. We will set a precedent to provide a public road for private development.

The history of the ~~square~~ parcellite has been vehicular traffic but it is "parking" traffic not "through" traffic.

The Salmomi Bldg has 14 units & 14 underground parking spots.

A reasonable person would assume that many owners of avg 1/2 M \$ condos will own more than one car and that extra cars will be parked in the closest location nearby - the parkette.

Furthermore, a reasonable person would also assume that owners of 1/2 M \$ condos will expect unrestricted 24 hr access to their properties.

How will they respond when special public events in the square continue all day or even all weekend?

Obviously such events are therefore unlikely to be scheduled ~~there~~ in the square and further encroachment for such events will likely happen at the Murray St esplanade as was the case with the Economic Summit and the Garden Party this past spring.

Also, if in future, the Angilieri owned Echo lands are developed as a condo or perhaps ~~over~~ as a hotel, could this central access road veer to the north and serve this site as well?

I suggest that Council scrap the ^{centre} access proposal and revert to the original Richmond St right of way.

- 1) less intrusion & encroachment of public land
- 2) allows 24 hr unlimited access to condo owners
- 3) has a less inclined slope which is easier to maintain & at public expense
- 4) ~~it is safer for pedestrians~~ it is more dangerous to pedestrians to have cars travelling centrally through the parkette than to have a limited # of condo owners use the Richmond St R. of W.

The argument of egress & ingress safety is solved with a 4 way stop at Dal + Rich

- 5) lastly, it allows more public space devoted to public use as a tree d. □.

In conclusion, it is Council's duty to protect public assets. Do not allow private development to jeopardize public assets. Do not continue to make concessions for the sake of development at the expense of the public.

I encourage council to take the Richmond st solution & that after 2 yrs of construction & inconvenience to residents & business that Mr Angileri, as a sign of good faith & in the best interests & safety of both condo owners & the public accept this as the logical solution.



THE ROYAL CANADIAN LEGION

FORT MALDEN (ONT. NO. 157) BRANCH
281 DALHOUSIE ST.
AMHERSTBURG, ONTARIO
N9V 1X1

Mayor and Council

I am Reg Spencer, President of the Royal Canadian Legion
Amherstburg Branch 157.

On behalf of the Legion we have concerns over the proposed
driveway going by the cenotaph such as:

- (i) during the winter months is the snow, ice, and salt going to be hauled away or just pushed aside possibly onto the cenotaph.
- (ii) During our Remembrance Day service on Nov. 11, are we going to have to disperse to allow condominium vehicles to come and go as we will be standing in the proposed driveway.
- (iii) Also visitors and guests enjoy the view from the hill during our Remembrance Day Service and they also utilize the parking lot. If the proposed driveway goes through where will they go?
- (iv) While reviewing the space between the proposed driveway and the cenotaph a car sped up the embankment to the parking lot and had to slam on his brakes as an elderly couple, using their walker and cane, were walking through the parking lot to go down the hill and the car could have struck them therefore we have a safety concern as well.
- (v) Another incident happened with cars going down the embankment and having to turn around almost backing into the cenotaph.

We would like to propose a solution that would suit all parties concerned and that is that Richmond Street be extended down beside the condominiums with the driveway being wide enough to allow the owners to drive down to the garage unobstructed and park their cars. There would be no safety issues and we would be able to have our Remembrance Day Service Nov. 11 with no interruptions.

Thank You

"They served till death! Why not we?"

Delegation #9- Mr. Paul Bezaire
As presented to Council at the Public
Meeting held July 23, 2007 and forming
part of the minutes of the meeting.

1 of 4

Bezaire & Associates

3514 Walker Rd. Unit 1A Windsor ON N8W 3S4 V: 519 966 6844 | F: 966 4088 | E: pbezaire@bezaire.ca

Landscape Architecture | Development Planning | Planning Mediation | Construction Mediation | Public
Consultation | Project Management | Environmental Impact Studies | Park/Recreation Planning | Irrigation Design

Date: Monday, July 23, 2007

To: Concerned Citizens Committee

From: Paul Bezaire OALA RPP MCIP

RE: King's Navy Yard Park – Pending Changes

Following, you will find my professional opinion with regard to the discussion plan prepared by Ron Koudys Landscape Architect for a portion of the King's Navy Yard Park at Dalhousie and Richmond in the Town of Amherstburg

QUALIFICATIONS:

I am a licensed Landscape Architect in the Province of Ontario with an honours degree in Landscape Architecture from the University of Guelph (1979) and a member of both the Ontario Association of Landscape Architects and the Canadian Society of Landscape Architects. I am also a Registered Professional Planner and member of both the Ontario Professional Planners Institute and the Canadian Institute of Planners. Lastly, I have a certificate in Alternative Dispute Resolution from the University of Western Ontario.

BACKGROUND:

This report refers to the portion of King's Navy Yard Park (the "Park") that is immediately south of the Amherstburg Echo Building and north of the new multi-unit residential building (the "Condos") at the south-west corner of Dalhousie and Richmond including the cenotaph area. Construction of the Condos has resulted in disruption to the park. In addition, we understand that the project is subject to a Site Plan Control Agreement in which the Town of Amherstburg (the "Town") has apparently agreed to several permanent changes to the park. We understand that a portion of the park at least is designated by the Town under the Ontario Heritage Act. The Heritage Committee was not consulted with respect to changes to the park.

In preparation of this report, I attended the site first with two members of the Concerned Citizens Committee and a second time with several members of the committee. I have examined the Site Plan Control Agreement pertaining to the Condos and the discussion plan prepared by Mr. Koudys OALA outlining the proposed changes to the park itself.

REVIEW OF PLAN

The plan prepared by Koudys is based on the plans included as Schedule G & H in the Site Plan Control Agreement for the Condos. Those plans include the following revisions to the park and adjacent Rights-of-Way:

1. Stop-up the traveled portion of Richmond Street west of Dalhousie.
2. Creation of a new "Right-of-Way" through the park to accommodate vehicular and pedestrian traffic to and from the Condo lands.
3. Creation of three parking spaces on the south side of the existing maneuvering lane in the parking area. (deleted on revised plan.)
4. Removal of three trees for creation of the parking spaces above-described. (deleted on revised plan)
5. Relocation of existing flagpoles to a location that would be in conflict with the above-described trees.
6. Removal of "assembly area" in front of the cenotaph. (improved somewhat on revised plan.
7. Relocation of the northerly curb in the parking lot to the north thereby negatively impacting existing trees along the north property line.
8. Sectioning off by means of fencing, a portion of the existing Richmond Street Right-of-Way for the sole purpose of pedestrian accessing the north door of the Condos.
9. Transfer of portions of the Richmond Street Right-of-Way for the sole use of Condo's
10. Allowing encroachments into the Richmond Street Right-of-Way for ventilation and other services.

COMMENT:

The Concerned Citizens Committee is opposed to the planned changes to King's Navy Yard Park for the following reasons:

1. Closure of the traveled portion of the Richmond Street Right-of-Way affects many people. It should have been done with the benefit of public notice, public consultation, and administrative review.
2. Continued use of the traveled portion of the Richmond Street Right-of-Way is the preferred location for vehicular and pedestrian access to the west side of the Condos because it is an existing facility and doesn't separate the easterly portion of the park from the cenotaph or remainder of the park. In addition, it restricts vehicular access to the area to existing paved areas and eliminates "through traffic" from passing through the public parking area and park proper.
3. Creation of a new "Right-of-Way" through the park should have been subject to public notice, public consultation, and administrative review leading to an enabling bylaw. It should be eliminated for the following reasons:
 - a. It negatively impacts the use and respect for the existing cenotaph
 - b. It reduces the usable area of the park.
 - c. It separates the park and changes the orientation of the easterly portion toward the road rather than toward the cenotaph and waterfront.
 - d. It introduces vehicles into the park. These vehicles are not visitors or residents using the park but are "passing through" the park. We suggest they will have less regard for users of the park.

- e. It results in a road with a gradient much steeper than the existing pavement. The steep slope is uncharacteristic for the area and may result in issues of public safety. In addition, the road is most likely to be used by pedestrians and will be steeper than the maximum slope permitted for accessibility to the disabled and safe use by pedestrians.
 - f. Provision of a new Right-of-Way through the park sets a precedent that could result in future requests for rights-of-way or additional use of this right-of-way.
 - g. Vehicles intending to use the parking lot will often pass the parking spaces if full and proceed down the ramp to the lower area not knowing that public parking is limited to the existing lot. There is no provision to allow these cars to turn-around.
 - h. Since the Condo access road will be connected to the park parking area, Condo visitors will easily make use of the parking lot when visiting the Condos. This would make parking unavailable for users of the park.
 - i. It isn't clear who will be responsible for maintaining the area. Since the road will be subject to increased winter use, there will be a need for more usage of salt which will ultimately lead to damage of the plant material in the park.
 - j. Allowing portions of the park to be used for the benefit of individual Condo owners in perpetuity ties the hands of future generations in determining the design and use of the park.
4. Creation of the three parking spaces on the south side of the existing parking area would (if it were to proceed as originally shown) reduce the public use areas in the park. It also requires the elimination of three large existing trees. These spaces should be abandoned and the trees preserved.
 5. The northerly limit of the existing parking area should not be moved further north. This will negatively impact the trees in this landscaped area.
 6. The flagpoles should only be relocated as required to maintain the municipal road along the Condos. We suggest that only one pole should be moved.
 7. Any proposal to increase the amount of vehicular traffic in the park should be refused.

RECOMMENDATIONS:

1. The Town of Amherstburg should immediately commence negotiations with the owner of the Condos to amend the site plan control agreement taking into account the above comments. The new agreement should provide for the following:
 - a. The agreement establishing a right-of-way through Kings Navy Park should be terminated.
 - b. Access to the west side of the Condos should be by a paved municipal road to be located in an area 22 ft wide along the north face of the Condos from the northwest corner of the building to the northerly entrance and 28 ft. wide in front of the northerly entrance to Dalhousie. This area would include pavement for vehicles and pedestrians as well as any required setback from the building or other encroachment.

Delegation #9- Mr. Paul Bezaire
As presented to Council at the Public
Meeting held July 23, 2007 and forming
part of the minutes of the meeting.

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Concerned Citizens Committee

Kings Navy Yard Park – Pending Changes
July 23, 2007

- c. The parking area should be restored to its original condition, perhaps with a slight reduction in parking.
 - d. Consideration should be given to the impact on the park and in particular the connection between the easterly portion and the cenotaph area. A particular design should be prepared for this area and form part of the restoration work required of the Condo owner.
2. We recommend that the new agreement should be circulated to the Parks and Heritage Committees and considered by the council in an open session.
 3. The Council should direct administration that any future changes to the park or proposed development adjacent to the park or that impacts the park in any way should be considered be reviewed by the Parks and Heritage Committees and considered by council in an open session.

Sincerely,



Paul Bezaire OALA, RPP MCIP
Partner

106 Lowes Side Road
Amherstburg, Ontario
N9V 1S2

July 23, 2007

Mayor Hurst and members of Council,

The reason for this presentation is to address my concerns regarding your special working session of council on July 9, 2007 at 2:00 P.M. which apparently took the place of a regular council meeting.

During the last two (2) meetings of council, our council chambers have been packed to capacity. Did you wonder why I was the only member of the public, that was in attendance at this meeting? Did you wonder why the members of our press were not present? Did you honestly believe that all these people had dropped their concerns with the way council conducts our business? Did you not stop to consider, that the reasons they were not there was because, the general public did not realize this working session was actually a council meeting?

It was totally disheartening to witness councillors, who were trying to represent the taxpayers, taken to task for asking pertinent questions. One councillor was reprimanded, when he questioned the taping of council sessions and no one apologized to him, when he was proven right, that administration had indeed failed to inform the public, that they were being taped at the June 25th council meeting. Another councillor was stopped in his tracks, when he asked about the town of Amherstburg performing work on Laird Avenue. And still another councillor was chastised, when he questioned the legality of council going "in camera" to discuss the public issue pertaining to the invoice to cut down the trees in the King's Navy Yard Park. He was asked if he was "getting gun shy" and taunted with "what are you so afraid of."

This type of behavior has to stop. Council meetings must be properly advertised and councillors should be free to ask questions, without being chastised or ridiculed.

Several councillors raised very serious concerns, regarding the town doing work on private property, a concern many of us share. Your CAO stated, that this service club had approached the mayor's office last fall, and the town agreed to do this extensive work for them at cost recovery in the spring. Yet, not one councillor requested to see the invoice sent to this club.

Now, I am sure, that no one in our town would dispute the fact, that our

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service clubs are doing an excellent job, but the town of Amherstburg is not in the business of performing work on private property, which sets a dangerous precedent. The town of Amherstburg should not take away business from contractors, that are suffering during hard economic times, according to your CAO, who is bringing a by-law before you this evening to defer development charges, for this very reason. In fact, your supervisor of public works announced at the July 5th meeting of the Parks Committee, that he didn't have the manpower to complete the work on town property, but you had the manpower to perform work on a large private parking lot? What was even more serious about this issue, three (3) of our councillors were not even aware that this work had occurred or had been agreed to.

The CAO advised you, that he had been approached by a couple of developers, who were experiencing difficult times and suggested introducing a new by-law to defer development charges, until a later date. Our treasurer cautioned you, that it might be necessary to debenture in order to recoup the costs. If you vote to incur further debt charges, because of issuing debentures to help out these developers, what impact will this have on our town's debt limits and budget projections? It was very disappointing, that no one asked, who was requesting these special favors, perhaps out of fear of being criticized.

In closing, I am requesting Council make five motions. First, that council properly advertise all future council meetings according to the Municipal Act. Second, that council make a motion to review and recommend for payment all accounts payable as previous councils have done in the Town of Amherstburg, including all expense accounts. Further to that, I am asking that you review all accounts payable, from the time you voted to give up this extremely important task. Please request a quarterly report to see if you are within budget. Third, that you accept and fully endorse the new concept plan by the Legion, Parks and Citizens Committee. Fourth, that you make a motion to provide the local press with all information that was discussed during this special working council session including the motion, which resulted from your in-camera meeting. And last, but certainly not least, that you defer the by-law concerning the postponement of development charges until the public is allowed the opportunity to provide input regarding this important matter.

Councillors, it is absolutely imperative that you take back control to govern the Town of Amherstburg, after all, that is why you were elected.

Diane Pouget

10F2

The following is a copy of the recorded delegation by Dr. Spellman addressing Council regarding Honest, Transparent Town government.

Mr. Mayor, members of council, I guess it's hard to have listened to all of the presentations tonight without echoing uh...uh... Councilor Bob Pillon's summation which is "It's a mess". And it is a mess and that mess is largely the responsibility and the accountability of those to whom I'm speaking. Uh, um... I was throwing out some rubbish the other day and I came across an election card, for the last election, which says "Open, Transparent, Town Government" as one of it's major pledges and that's why as others have talked tonight about this very central issue. And the fact is that the citizens of this town are under the very clear perception that we do not have open, honest or transparent government. Now you can make all of the excuses that this meeting was part of another meeting, this was part of another meeting, but the fact is that meeting was not advertised, that meeting was not on the town's website, that meeting the uh... both papers had indicated that there was only going to be one meeting in July and one meeting in August and that wasn't true. That's the issue here. That all kinds of statements are coming to the people and those statements are not true. They're not honest. They're not open. They're not transparent. And that's what happened when questions were asked about the ah ..who gave the the details behind the tree cutting, what were the true reasons. We were told it was a miscommunication. We were told that the trees were growing in clusters. We were told that trees were damaged or diseased. None of which was true. We were also told that some of the trees had to come down because they had a bad face. Which would have involved summary execution for a number of people who are in this room tonight if having a bad face were the reasons for knocking us down. And then we were given by one of the workers a statement that made more sense which is "the trees were in the way". In the way of whom? In the way of what? And that brought in the question of the uh uh Salmoni building. This is really a very very sad time in this community. We are filled with disappointment with respect to your performance. We are disheartened that we have to continue to endure this political and administrative misfortune on our town. Bill Gibb, the former mayor, when he uh uh uh news came to him said he was sick because of what is going on. Many others are outraged, angry and they believe that the mayor, the council and this administration, is as you've heard earlier, engaged in a cover up. And when government is engaged in a cover up the first thing we usually hear is "let's get this behind us and move ahead". This is not open. This is not transparent. This is not honest. Your integrity and your trust has been compromised. And the consequences of that loss, that integrity and trust, is a serious matter. Maybe you don't think so, maybe you think as some of you have said "this is just a small group of vocal people". Every single time this issue comes up this room is packed. You ought to draw some conclusions from that but apparently you don't. And have managed to continue either with yes, yes, received, ok, no questions. No questions??!! The problem seems to be that there is a political virus which has created an atmosphere lead by arrogance and that arrogance is lead by ignorance and egoism. And that was one of the reasons, as far as we're concerned that you decided that you wouldn't meet with us, you wouldn't talk with us. I believe in dialogue, oh yes we have to have

communication but we won't talk. Now, if you refuse to talk with citizens you will be talked at by citizens. And so now we have our antennae up and whenever we hear the word from the council that begins certainly we know that what's about to follow is suspicious. When we hear the word of course. So when we hear certainly and of course we know that we should be suspicious about what's going to be following. Public documents which formerly have been made available to the citizens of this town, historically, are now being run through a freedom of access, freedom of information access. You talk about ecotourism and you wonder why there is no ecotourism when you continue to destroy the ecosystem. So we have a very perverted, ignorant and fundamentally misinformed concept of what development means. And all of this, all of this for 14 lousy apartments. All of it for 14 lousy apartments. So you should be ashamed of yourselves is what I'm saying, if you have any shame left.

Delegation #13- Ms. Anne Eldracher
 As presented to Council at the Public
 Meeting held July 23, 2007 and forming
 part of the minutes of the meeting.

1 OK 1

From: BonneSteward@aol.com
Sent: Monday, July 23, 2007 5:56 AM
To: Carol Bendo
Subject: non document format/ A. Eldracher/July 23/07 deputation

July 23/07

RE: deputation of Anne Eldracher/Monday July 23/07.

Honourable Mayor, Council:

In regard to the Big Creek and subsequent to the received concerns thereof by the MNR per the request of the hunt club to extend water taking permits from one year to ten, I submit this very brief deputation for the consideration of council as pertains the long term interest of optimal expansion for the Town of Amherstburg particularly the areas delineated in the southern segment of the Official Plan as ascribed for residential development and abutting the Big Creek water retention extensions: watercourses/and ditches.

I commend Council/Administration for consideration to the prospective of a detailed study ensuring optimal ecological protection in line with the reasonable expectation for longterm residential expansion in the settlement area. I understand a longterm study may take in a detailed oversight into optimal ecological pollution filtering and water management of the Big Creek and its' adjoining water retention extensions and particularly as pertains to verity per current denoted status. I understand that consideration for such a study came about subsequent to not just the concerns of ensuring optimal drainage avoiding stagnation of holding ponds and the prospective to West Nile yet, was considered as well to take into concern the optimal interests of all parties to this area: hunters/hunt club operators, farmers, landowners, parties having extraction interests and, those guarding the general area ecology. I understand as well, there is certain interest per impact of the "wetland lines" outside the Oldham Report's delineated Provincially Significant Wetland study area to the south of Highway 20 being similarly considered as Provincially Significant wetland without any foundation/study to verify via detailed study and having the impact of affecting provincially approved legally zoned lands.

A wetland line mapping could technically apply to any ditch in Ontario. That doesn't make the ditch a provincially significant wetland. In order to be a Provincially significant wetland, the ditch would have to be subject similarly as were the land bodies ascribed and catalogued in the Oldham report, specifically to the south of Highway 20 and via a bonafide four season study; or, at the least, a basic environmental impact study. This was never undertaken past the Oldham report lands. Yes, there are wetland mappings; no, there are no PSW studies on file per the Big Creek watercourses/water retention extensions with the exception of the Oldham Report specifying the lands to the south of Highway 20.

I am concerned twofold. One, and for which I've never had the benefit of an answer from the former planner, Jean Monteith: "where is the study giving legal credence to an extended PSW designation legally affecting residentially zoned lands - approved without appeal by the province in the zoning bylaw. Two, if these lands were affected by designations without requisite studies - particularly designations affecting legally zoned/provincially approved lands, why should the Town be on the hook to substantiate these unfounded claims? I don't know who arrived at this attendance to denote legally zoned lands with restrictions; I would suggest it begs clarification at the least before we attend to throw money at something that may be as simple as the expectation of a formal response from the MNR as to how this could possibly have been arrived at. I would imagine the secondary Official Plan Approval Body may have some reservation in approving a plan that could be legally contentious.

Thank you for your consideration to this matter.

Anne Eldracher

7/23/2007