

Minutes of Amherstburg Municipal Council Held Monday, June 9, 2008 At 7:00pm in Council Chambers

PRESENT:

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

ALSO PRESENT:

Carol Bendo, Human Resources Specialist/Deputy Clerk
Paul Beneteau, Treasurer
Lory Bratt, Planning Coordinator
Stephen Brown, Chief Building Official
David Carpenter, Manager of IT Services
Ron Dzombak, Manager of Recreational Services
Ivano Fregonese, Supervisor Budget Services
Richard Murray, Fire Chief
Kristina Pozar Di Paolo, EA to the CAO/Clerk
Lou Zarlenga, Public Works Manager

ABSENT WITH NOTICE: Pam Malott, Acting CAO/Town Clerk (Town Business)
Councillor Paul Renaud (Medical)

CALL TO ORDER

PRAYER

The Deputy Clerk Carol Bendo said prayer.

DISCLOSURE OF PECUNIARY INTEREST

No disclosures of pecuniary interest were declared.

MINUTES OF PREVIOUS MEETING

Moved by R. Pillon
Seconded by J. Sutton

That the minutes of the following Amherstburg Municipal Council meetings be adopted as circulated:

1. In-Camera meeting held at 4:30 pm on Monday, May 26, 2008 and
2. Public meeting held at 7:00 pm on Monday, May 26, 2008 with an amendment to the Motion of Report # 3 as follows: "That the Town accept and approve the location of a new Premier Ball Diamond and Miracle League Baseball Diamond location to be within the Larry Bauer Park boundary area known as 3295 Meloche Road"

Motion Carried

PRESENTATIONS

No presentations have been scheduled for this evening.

DELEGATIONS

Delegation # 1

Ken Thrasher addressed Council regarding acknowledging and supporting local volunteer groups in Town and requesting that the Christmas tree be replaced in KNYP. His delegation is summarized as follows:

I am here tonight to bring attention and give a pat on the back to the many volunteers and service clubs who through their own passion and love for this community do the things that they do. We have a group of these volunteers who have graciously offered to pay whatever it takes to put our Christmas tree or a new Christmas tree back into our Town meeting square. This Town has seen huge enhancements to this Parkette – looks beautiful, it is accessible and it is our community Parkette. What we have here is an opportunity for the Town to move forward with the financial backing and efforts of these volunteers and give us back our Christmas tree. Again, this is being offered by these special volunteers who love their community. Let's move forward and accept the offer by the horticultural society.

Moved by J. Sutton
Seconded by Deputy Mayor Bailey

That the delegation by Mr. Ken Thrasher be received.

Discussion:

R. Pillon asked Mr. Thrasher if he is aware of the motion passed by Council that Council is awaiting the arborist report and that no decisions will be made until the report is received.

Motion Carried

Delegation # 2

Ms. Nancy Greenaway, on behalf of the Fort Malden Horticultural Society addressed Council regarding Tree Donation for the Navy Yard Parkette. Ms. Greenaway supplied a copy of her delegation which is attached to and forms part of these minutes.

Moved by R. Pillon

Seconded by J. Sutton

That the delegation by Ms. Greenaway be received.

Discussion:

Councillor Rick Fryer asked Administration who the Arborist is and when we might be able to get a report from him. L. Zarlenga informed the group that Ross Douthart is the arborist and that he is currently away on vacation. Upon his return L. Zarlenga will discuss the need for the report with him as soon as possible.

Deputy Mayor Bailey thanked Nancy and noted that the Horticultural Society has been an important part of Amherstburg for many years. He believes that the new Christmas tree should be visible from the street.

Councillor Rick Fryer asked Nancy to clarify the location of the tree- is it at the corner where recent plantings have been completed. Nancy clarified that the offer of the tree is only for the Parkette, front and centre, and though the location Rick mentioned is the preferred location the Horticultural Society is willing to work with Council on this.

Councillor R. White thanked Nancy for all of her volunteer time and stated that Council recognizes the value of volunteers. With respect to Nancy's delegation she stated that everyone has a different point of view and what is music to one's ears is noise to another. R. White stated that Nancy believes that shade is important to the Parkette and that this tree will provide that. R. White stated that her point of view is that shade should be in the Park and the Parkette should offer a view of the river. The river should not be camouflaged. She cited the Brown & Story study which stated that Amherstburg needs to focus on the great resource of the River and market that resource as a business. R. White agrees with this and her point of view is that the Parkette is a preview to this and when a resident or visitor approaches the foot of Richmond it tells them that the asset of our Town is the River. She is in support of having a Christmas tree in the Navy Yard Park but not in the location of the Parkette.

Nancy Greenaway stated that the 10 foot tree they plan on purchasing would still offer a view of the River.

Motion Carried

Delegation # 3

Reverend E.P. Gatfield addressed Council regarding the Navy Yard Parkette and the Value of a Tree. Reverend Gatfield supplied a copy of his delegation which is attached to and forms part of these minutes.

Moved by R. Pillon
Seconded by Deputy Mayor Bailey

That the delegation by Reverend E.P. Gatfield be received.

Discussion:

Councillor J. Sutton thanked the reverend for the sage advice. He remembers when the Christmas tree was at the library and was unfortunately cut down by vandals. He stated that it is not Council's intent to not have a tree. A Christmas tree will be in the Town of Amherstburg and an arborist's report is required before a final decision can be made.

Motion Carried

Delegation # 4

Mr. David Low and Ms. Jane Teeple addressed Council regarding a request for additional fencing along their properties due to the Wal-Mart / Total Fitness Project. Mr. Low and Ms. Teeple supplied a copy of their delegation which is attached to and forms part of these minutes.

Moved by R. White
Seconded by J. Sutton

That the delegation by Mr. David Low and Ms. Jane Teeple be received and that Council direct Administration from the Building and Planning departments to attend to Mr. Low's and Ms. Teeple's concerns.

Discussion:

Lory Bratt clarified that the fencing which is currently at 3 feet is covered by the site plan agreement and will be converted to 6 feet as requested.

Steve Brown clarified that the manner in which the fence was erected on the back of Mr. Low's property is not acceptable by the Building Code and that the engineer of the project has been contacted and has been requested to remedy this issue.

Mayor Hurst asked that the building and planning departments address this issue as quickly as possible.

Motion Carried

Delegation # 5

Mr. Patrick Catton, principal of General Amherst High School, was not present to address Council regarding parking concerns around the High School. His delegation will be rescheduled.

REPORTS OF MUNICIPAL OFFICERS

Report # 1

A report by Carol Bendo regarding Amherstburg's Gone Car Crazy Show Event.

Moved by J. Sutton
Seconded by R Pillon

That the report by Carol Bendo, dated May 29, 2008, regarding Amherstburg's Gone Car Crazy Show Event be received;

That the Town of Amherstburg waive the user fee for Amherstburg's Gone Car Crazy Show Event for Toddy Jones Park;

And further that Council approve the request of the Community Spirit Committee for road closures on Sunday, August 3, 2008 from 8:30am to 5:00 pm as shown on the attached map.

Motion Carried

Report #2

A report by Richard Murray regarding the Fee Structure and Full time Fire Prevention Officer/Educator. The part-time Fire Inspector we have had in place has helped clear a back log of fire inspections. However, there is more to be done and a need to keep up

with the inspections on a regular basis. A full time Inspector/Educator is needed who will also assist with the Public Education that is required under the Act.

Moved by R. Fryer
Seconded by J. Sutton

That the report by Richard Murray, dated May 27, 2008 regarding the Fee Structure and Full time Fire Prevention Officer/Educator be received;

And further that Council change the fee structure for services charged by the Fire Department and authorize the Fire Chief to proceed with the process of hiring a full time Fire Inspector/Educator in November of this year, with a start date of January 1, 2009.

Discussion:

Councillor R. Pillon stated that we currently have a part-time inspector doing the inspections now and we need to get a handle on the regulations. This is something that we have to do now.

Councillor R. White stated that she wanted to defer the report to September to gauge how the economy is going and if the Town would be able to afford another person on payroll. She also felt that adding these fees to the businesses would add to the current suffering of our local businesses and that these fees are “double dipping” since they are in addition to the fees the ministry asks for the businesses to pay every 6 months to have their equipment inspected.

Councillor R. Fryer commended Fire Chief Murray for bringing this request to Council early in the year. This topic was discussed in the budget and the position is an essential asset that we need right now. This position should have been approved during budget deliberations for 2008 but it was not and Council had agreed during those deliberations to approve a part time position for now with the understanding that the position be considered full time in 2009. If we put this off then the municipality would be on the hook for any issues arising of incomplete inspections.

Councillor J. Sutton echoed the statements of R. Fryer. He noted that the fee increase is slight overall and that the safety needs of our community need to come first.

Deputy Mayor Bailey commented that taking care of resident safety is our due diligence and he supports this motion.

Councillor R. Pillon asked the Fire Chief to clarify the “double dipping” of charges that R. White alluded to. Chief Murray clarified that commercial restaurants under the act are required to be inspected every 6 months, however the document that they are provided with indicating that they are compliant is the same document that the Fire Department requests to see. Chief Murray stated that there is no fee for the first inspection – the fee charge begins with a follow up meeting if the business ins not compliant and also if they do not clear up the issue. Also, if the fire department were to charge the business under

the code then they would need to pay legal fees and this fee schedule as presented eliminates this need. The fees, as presented, are based on a survey of all other municipalities – we also charge less than Windsor and Lakeshore.

Councillor R. White commented that she accepts the explanation of commercial fees and retracts her motion to defer. She is a firm supporter of fire prevention education and particularly emergency preparedness and wants this individual to concentrate also on emergency preparedness. Chief Murray clarified that emergency preparedness is in the job description for this full time position.

Motion Carried

Report # 3

A report by Carol Bendo regarding Re-tendering the Town of Amherstburg Advertising Page. The Town advertising page is to be re-tendered upon the expiry of the 52 week contract with the Echo. This report deals with the specifications of the tender.

Moved by Deputy Mayor Bailey
Seconded by J. Sutton

That the report from Carol Bendo, dated May 28, 2008 regarding Re-tendering the Town of Amherstburg Advertising Page be received.

Discussion:

Deputy Mayor Bailey commented that the concept of the full page advertisement has worked out very well and he has received positive comments from several residents and businesses that the page is easy to read and appreciated.

Councillor R. Fryer asked if it would be possible for us to have a link from our website to the paper's website of this page. Administration will forward this request to our IT department.

Motion Carried

Report # 4

A report by Pamela Malott regarding Amherstburg Community Services Request for Accessible Transportation.

Moved by R. White
Seconded by Deputy Mayor Bailey

That the report from Pamela Malott, dated May 30, 2008 regarding Amherstburg Community Services Request for Accessible Transportation be received;

That Council applaud the efforts of Amherstburg Community Services (ACS) to increase the existing Accessible Transportation Program in Amherstburg;

That Council agree to facilitate the purchase of a new Accessible Van with funding provided by ACS;

And further that Council approve an estimated \$ 1,000.00 in additional unbudgeted fleet insurance expense for the 2008 year and an annual insurance expense for both vehicles of \$ 1,700.00.

Discussion:

Councillor R. Pillon asked the treasurer if these amounts are our cost. P. Beneteau replied that the \$1000 is really no financial cost to us. We pay the \$1000 and then we charge back ACS. By us applying for the insurance coverage it provides ACS with a better rate.

Councillor R.White requested administration to have this service advertised on our webpage.

Motion Carried

Report # 5

A report by Lou Zarlenga regarding Laird Avenue Road Work. A petition was received from several residents of Laird Avenue citing drainage problems due to the elevation of the road. The Public Works Department has reviewed this concern and petition and explains the work currently being undertaken which will greatly alleviate concerns.

Moved by R.White
Seconded by J. Sutton

That the correspondence from Eric and Nancy Bryan regarding Laird Avenue Road Work and attached petition be received:

And further that the report from Lou Zarlenga, dated June 4, 2008 regarding Laird Avenue Road Work and the current construction planned to alleviate drainage concerns on Laird Avenue be received.

Discussion:

Councillor R. Fryer asked L. Zarlenga if Laird would need to be brought forward on having the work completed as Murray Street needs were brought forward. L. Zarlenga clarified that Murray Street was brought forward due to safety concerns and Laird does

not have the same issue. New sidewalks are being added to Laird Avenue and this will alleviate any safety and trip hazards. Public works will look in the future for further improvements to the area.

Mayor Hurst commented that we cannot forget about the needs of 3rd concession either. We have many areas that we have to deal with. Many people are getting the sewer separation work done but then the roads are only receiving patch work. We don't have the wherewithal to do everything. We need to have a schedule of the streets in our community and a timeframe to address these streets.

Motion Carried

Report # 6

A report by Lou Zarlenga regarding King Street Bulb and Petition to remove the island. As a result of the King Street reconstruction portion of the Sewer Separation Phase 2 project the island on the bulb at the east end of King Street has been partially removed to accommodate sewer construction. A petition has been received by many of the residents of King Street, south of Pickering, to have the island removed completely.

Moved by J. Sutton
Seconded by R. White

That the correspondence from Garnet Wright regarding King Street South and attached petition be received; That the report from Lou Zarlenga, dated June 4, 2008 regarding King Street Bulb and Petition to remove the island be received; And further that Council authorize the removal of the Island from the bulb on King Street to create a clear cul-de-sac at the south end of King Street.

Discussion:

Councillor R. Pillon asked L.Zarlenga if the one resident that did not sign the petition was contacted for his viewpoint. L. Zarlenga confirmed that he was and the reason he did not support the petition was that motorcycles would go through the area when the island is not present as had occurred in the past. L. Zarlenga also informed Council that Crowder's garbage pick up and our own snow removal trucks have difficulty in maneuvering around the island on required service days. Also, the island at one time was maintained by the residents on the street but it no longer is.

Motion Carried

Report #7

A report by Lou Zarlenga regarding the Kingsbridge Subdivision Phase 4B Hilton Court Maintenance.

Moved by Deputy Mayor Bailey
Seconded by R. Pillon

That the report by Lou Zarlenga, dated May 14, 2008 regarding the Kingsbridge Subdivision Phase 4B Hilton Court Maintenance be received;

That Council concur with the recommendation of the Consulting Engineer;

And further that the Town initially accept the underground services, concrete curb and gutter, and base asphalt for the Kingsbridge Subdivision Phase 4B (Hilton and Wilson) and the one year maintenance period beginning May 5, 2008.

Motion Carried

Report # 8

A report by Lou Zarlenga regarding a New Residential Access Culvert over the Matte-Beneteau Municipal Drain.

Moved by R. Pillon
Seconded by J. Sutton

That the report by Lou Zarlenga, dated May 29, 2008 regarding a New Residential Access Culvert over the Matte-Beneteau Municipal Drain be received;

That Council adopt the report for the construction of a new culvert over the Matte-Beneteau Municipal Drain as prepared by N.J. Peralta Engineering Ltd.;

That Council accept the low tender submitted by Rivard Excavating for the construction of the bridge;

And further that **By-Law 2008-43** being a By-Law to provide for the adoption of a Drainage Report for the Residential Access Bridge over the Matte-Beneteau Drain Anderdon be taken as having been read three times and finally passed and the Mayor and the Clerk be authorized to sign same and affix the Corporate Seal thereto.

Motion Carried

Report # 9

A verbal report regarding Kingsbridge Park was provided by Lou Zarlenga.

Moved by R. White
Seconded by Deputy Mayor Bailey

That the verbal report regarding Kingsbridge Park as presented by Lou Zarlenga be received.

Discussion:

L. Zarlenga made the following comments regarding Kingsbridge Park:

- \$100,000 has been allocated to the proposed Kingsbridge Park – totals 20 acres
- Numerous conversations regarding the status of the Park have been had with the developer Bill Docherty
- The Park needs to be graded, contoured and seeded by the developer. Proper drainage also needs to be put in place. All of this work is to be done this year.
- The equipment cannot be placed into the Park unless an asphalt road is put in place on Knob Hill Drive as without the roadway there would be no proper access into the Park. This is still a requirement of the developer however he stated the roadway cannot be put in at this time due to the downturn in the economy.

Councillor R. White asked if there is a plan to leave some of the Park for natural growth of trees. L. Zarlenga clarified that Monteith & Associates completed the conceptual plan and that plan includes natural growth along the North Side.

Councillor R. White asked for a completion date of the Park. L. Zarlenga replied that there has not been a definite date set. He anticipates that the drainage and green stage will be completed this year.

Councillor R. White asked if there is anything that can be done to ensure that the Park is completed sooner. L. Bratt stated that since the developer has not entered into an agreement regarding the Townhouses then we can include completion of park as a condition of approval for the building permit of the Townhouses.

Mayor Hurst asked that if the developer is not in a position to complete a black top road how about having an alternative surface. He asked that L. Zarlenga revisit the situation with the developer.

Councillor R. Fryer asked if there is not any access for the playground then how will there be access to cut the grass. L. Zarlenga stated that crass cutting equipment will be able to go over the dirt road currently there.

Councillor R. Fryer stated that the developer was requested to have a Class B road completed for the area and wanted to know what is classified as a Class B road. L. Zarlenga replied that a Class B road has an asphalt surface.

Motion Carried

Report # 10

A verbal report regarding the ground surface area of the Inclusive Playground will be provided by Lou Zarlenga.

Moved by Deputy Mayor Bailey
Seconded by R. White

That the verbal report regarding the ground surface area of the Inclusive Playground as presented by Lou Zarlenga be received and that Council concur with work plan around the Inclusive Playground.

L. Zarlenga made the following comments regarding the Inclusive Playground:

- There will be 8 accessible parking spots adjacent to the walkways coming into the park
- There are angle and parallel paint markings – the parking has been restored on the east and west sides of the park
- The existing equipment next to the inclusive playground is very functional but the sand surface needs attention. The sand is detrimental to the rubber inclusive playground surface. Pea stone would also pose a problem and not be accessible. Decision has been made to investigate the idea of woodchips as they would be accessible if paved properly and this would complement the inclusive playground very well.
- The seeding in the area has caught very well and if additional sod is need the cost would only be \$500-\$600.

Councillor R. Pillon stated that he is concerned about the dust in the area since the roadway south of Toddy Jones Park is not paved. L. Zarlenga stated that this roadway is now gravel and that it would cost us an additional \$30,000 to have it paved and this is currently not in our budget. Councillor Pillon asked that we revisit our budget. Mayor Hurst stated that the budget has been set for 2008.

Councillor R White stated that when Wigle Park was seeded last year the area was fenced it and asked if the same can be done for Toddy Jones. L. Zarlenga clarified that the area has been fenced it but that the children in the area have been enthusiastic over the new inclusive playground that they have been going through the fencing, however they have not been on the seeded area.

Councillor J. Sutton stated that paving of the South side parking area should be considered in the 2009 budget.

Deputy Mayor Bailey complemented L. Zarlenga, Town Staff and Public Works on the work done in the Park. He issued a formal invitation to all Council, Staff and residents to attend the Grand Opening on June 20th beginning at 10am.

Motion Carried

CONSENT AGENDA

Consent Correspondence

Moved by R. White
Seconded by J. Sutton

That the following correspondence be received:

1. The Richardson Wind Farm Completion dated May 2008 from genGROWTH;
2. Municipal Resolution on “Carbon Taxes” dated May 8, 2008 from the City of Belleville;
3. Extending Comment Period to June 30th, 2008 for Alternate Approach to Ontario’s Blue Box Funding Model dated May 28, 2008 from AMO Alert No. 08/23;
4. Ontario Medal for Good Citizenship dated May 2008 from the Ministry of Citizenship and Immigration;
5. Accessible Parking Permit Program dated May 22, 2008 from the Ministry of Transportation;
6. Notice of the Amherstburg Ice Cream Festival to be held at Toddy Jones Park on June 28 and 29, 2008 dated May 2008 from OMG;
7. 2008 Senior Achievement Award Program dated June 2008 from the Minister Responsible for Seniors;
8. Notice of the June 25th Annual Meeting dated June 2, 2008 from the Essex Power Corporation and
9. “Humble Beginnings Wall” dated June 2, 2008 from Service Canada Centre for Youth.

Motion Carried

Consent Other Minutes

Moved by J. Sutton
Seconded by R. Pillon

That the following minutes be received:

1. Meeting of the Amherstburg Heritage Committee held on February 20, 2008;
2. Meeting of the Amherstburg Heritage Committee held on March 13, 2008;
3. Meeting of the Amherstburg Heritage Committee held on April 24, 2008;
4. Meeting of the Committee of Adjustment held on May 6, 2008.

Discussion:

Councillor White requested a reason for the delay in receiving the Heritage Committee Minutes. Councillor Sutton, a member of the Committee, will report back to Council.

Motion Carried

CORRESPONDENCE

Item # 1- Motion to Amend the OHS Act with respect to protection from Harassment and Violence in the Workplace

Moved by R. Fryer
Seconded by R. Pilon

That the correspondence from CAW Local 222 dated April 29, 2008 be received;

That the Council of the Town of Amherstburg request legislation to amend the Ontario Health and Safety Act to include a personal safety clause that would offer protections from emotional or psychological harm as well as from physical harm in the workplace;

And further that a copy of this motion of support be forwarded to CAW Local 222 and local MPPs.

Discussion:

Councillor R.White stated that since this bill has failed so many times and without knowing why it failed feels that she cannot make a proper decision to support the motion. Councillor R.Pilon stated that the newspaper has carried too many stories lately of individuals losing their lives at their place of employment and something needs to be done to prevent this.

Motion Carried

Item # 2- Follow up to May 26th Delegation by Anthony Leardi on Wind Turbines

Moved by R. White
Seconded by R. Pilon

That the correspondence from Anthony Leardi, dated June 2, 2008 regarding a follow up to his delegation on May 26th with respect to Wind Turbines be received and that a copy of this correspondence be forwarded to the Big Creek Watershed Committee.

Motion Carried

Item # 3 St. Francis Baseball Tournament – June 28, 2008

Moved by J. Sutton
Seconded by R. Fryer

That the correspondence from Ron Dzombak regarding the St. Francis Baseball Tournament on June 28th be received and further that all individuals in the Municipality of Amherstburg be encouraged to attend and support this event.

Motion Carried

Item # 4 ERCA Draft Proposed Terms of Reference for the Essex Region Source Protection Plan

Moved by R. White
Seconded by R. Fryer

That the Correspondence from ERCA, dated May 27, 2008 regarding a Draft Proposed Terms of Reference for the Essex Region Source Protection Plan be received and further that Council direct said correspondence be referred to the Public Works Department for comment and that Public Works respond directly to the Source Water Protection Committee.

Motion Carried

Item # 5 Amherstburg Chamber of Commerce Economic Summit – June 13, 2008

Moved by R. White
Seconded by J. Sutton

That the Correspondence from the Amherstburg Chamber of Commerce regarding the Economic Summit to be held on June 13, 2008 be received and further that all members of the Public, Administration, and Council be encouraged to attend.

Motion Carried

BUSINESS LICENCES

Application #1 – Hawker Peddler Licence

Moved by Deputy Mayor Bailey
Seconded by J. Sutton

That the business licence application by Lisa Hoorelbeck to operate a roaming hot dog cart be received;

That a payment of the \$500 Hawker Peddler Fee and compliance with all agencies and regulations be completed prior to the issuance of the licence;

And further that Council approve this business licence.

Discussion:

Councillor R. Fryer asked if this licence would give the vendor the right to go anywhere in the Town. K. Di Paolo responded yes the vendor is allowed to go anywhere in Town as there have not been any boundaries set, however the vendor was notified that she would need to receive permission from various athletic groups utilizing the facilities and also festival organizers in order to be on the premises while they are using the facilities.

Councillor R. White stated that she is voting against this application due to the fact that this would erode our tax base and take away business from our restaurants. This should be taken into consideration during administrations review of the business licence policy.

Mayor Hurst stated that we should monitor this vendor for one year, evaluate the impact and then make a decision on the renewal of this business licence next year.

Motion Carried

Application #2 – Business Licence

Moved by R. Pillon
Seconded by R. Fryer

That the business licence application by Bryan Adam to operate The Outer Web, a business offering temporary and permanent body art, sculptures and local art for sale be received;

And further that Council approve this business licence subject to compliance with all agencies and regulations be completed prior to the issuance of the licence.

Motion Carried

OTHER MINUTES

Moved by Deputy Mayor Bailey
Seconded by J. Sutton

That the minutes of the Amherstburg Accessibility Advisory Committee meeting held on May 8, 2008 be received, that the Building Inventory be received as presented and further that the Clerk be directed to follow up on the requests contained within these minutes.

Discussion:

Deputy Mayor Bailey commented that the Accessibility Committee members completed a tour of a number of Town buildings and noted the deficiencies - many items listed are minor in nature and hopefully they can be dealt with by administration in a timely manner.

Mayor Hurst asked that administration report back to the Accessibility Committee regarding the status of the building audit deficiencies.

Councillor R. White asked if the Committee could look for any grants that may be available to the municipality to help the private sector with regards to making changes to provide for accessibility. Deputy Mayor Bailey stated that he is not aware of any at the moment but that he will look into this with along with the Committee.

Motion Carried

UNFINISHED BUSINESS

Listed below are the unfinished business items as of June 9, 2008:

Brought Up By:	Item Description:	Due Date	Type of Reply
J. Sutton	On County Rd 10 by Anderdon Public School a tree is down and blocking drainage of ditch. (PWD)	ASAP	Council Email
Mayor Hurst	Update on corner of Texas and 3rd wood blocking drainage.	ASAP	Council Email
Budget Discussions	Changes to Procurement Policy (Treasury)	June 2008	Council Report
R. Pillon	On Alma Street: speed limit sign is gone when heading out of Town (PWD)	June 2008	Council Email
R. Fryer	McCurdy Park has two signs indicating No Dogs and that Dogs must be on leash. There are dogs roaming free. Are dogs allowed in park? (By-Law Enforcement)	June 2008	Council Report
R. White	Viability of a Dog Park in Amherstburg (Recreation Services, By-Law Enforcement)	July 2008	Council Report
Administration	Tax reduction impact for heritage designated properties (Treasury)	July 2008	Council Report
Deputy Mayor Bailey	Snow removal on Beneteau Drive (PWD)	July 2008	Council Email
R. White	Transportation Issue (Administration)	August 2008	Council Report

Items that have been added to the unfinished business list at this meeting are as follows:

Seymour Street

Mayor Hurst – requests information as to when Seymour Street construction will be completed

Larvaeciding of Mosquitoes

Councillor R. Pillon asked if the mosquito program started. L. Zarlenga responded that it started the last weekend in May in the Fraserville area – May 27th. Mayor Hurst informed L. Zarlenga that he will be receiving an email from a resident regarding mosquito concerns in her area. Councillor R. Fryer asked if larvaeciding can be done sooner than the end of May as many students in the area receive a lot of bites in June before the school season is over. L. Zarlenga replied that Council may send a letter to the health unit to ask if this would be feasible. Mayor Hurst asked that administration contacts the school to find out if the mosquitoes are a problem for them at this time.

NEW BUSINESS

Donation Policy

Moved by R. White

Seconded by J. Sutton

That Council direct Administration to provide options of a Donation Policy for Council's Review.

Discussion:

Councillor R. White stated the following with respect to her motion:

1. We currently have a Grant policy that Committees of Council and Grant Groups can apply for.
2. We do not have a policy for individuals, charitable organizations or for-profit organizations that may request a donation from our Council.
3. We need a policy to address this need as we should be fair and equitable in accepting or declining donation requests. We cannot set precedence for providing donations at just any time and be seen as showing favouritism to any one group.
4. Council should decide yearly during budget deliberations the maximum amount of donations that the Council is willing to fund.
5. Council should decide if they wish for this donation amount to be included in the Grant application.

6. The policy should include the following:
 - a. clear criteria for applying for a donation
 - b. a maximum donation amount for any one group
 - c. a deadline for applications to be considered or statement that applications will be received until the maximum donation amount allocated by Council is reached
 - d. the fact that consideration may be given local groups first
 - e. the fact that consideration may be given to groups that did not receive funding from us before, etc.

Motion Carried

Church and Dwight Sidewalk

Councillor R. Fryer asked if there is a set height for sidewalks since the sidewalk at Church and Dwight appears to have a drop off of 18-24 inches from the road and this should be remediated. L. Zarlenga replied that he will complete an inspection and report back to Council regarding the status.

Sidewalk Budget and Deteriorating Driveways

Councillor R. Fryer requested an inspection and report regarding deteriorating driveways in front of Anderdon/Uptown Body Shop. L. Zarlenga to meet with Councillor Fryer, complete an inspection and report back to Council.

BY-LAWS

Moved by R. Fryer
Seconded by R. Pillon

That **By-Law 2008-36** being a By-Law to amend By-Law 2002-75 being a by-law to licence, regulate and govern cabs, cab owners and drivers be taken as having been read a first time on May 12, 2008, read a second and third time and finally passed on June 9, 2008.

Motion Carried

Moved by J. Sutton
Seconded by R. White

That **By-Law 2008-42** being a By-Law to confirm all resolutions of the Municipal Council be taken as having been read three times and finally passed and the Mayor and the Clerk be authorized to sign same and affix the Corporate Seal thereto.

Motion Carried

NOTICE OF MOTION

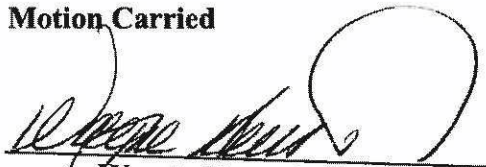
No notices of motion were made.

ADJOURNMENT

Moved by R. White
Seconded by J. Sutton

That we rise and adjourn at 9:10 P.M.

Motion Carried



Wayne Hurst, Mayor



Pamela Malott, Clerk

June 9, 2008

To: Mayor, Council, and Acting CAO of the Town of Amherstburg
From: Nancy Greenaway, President, Fort Malden Horticultural Society
Re: FMHS offer of an evergreen tree for the King's Navy Yard Parkette

I am here this evening to discuss the Navy Yard Park parkette, the Fort Malden Horticultural Society and it's mandate and desire to work within this community to educate and beautify, and specifically to discuss our offer in regards to replacing the Town Christmas Tree.

As a horticultural society, we have been around for more than 100 years in this community, and have planted hundreds, possibly thousands of trees, we have created and donated gardens, such as the seagram Park and the Library garden, participated in programs like the hanging baskets, planters, deck the planters, the gorgeous Rhododendron beds, along the the Rhododendron committee and other partners, and the Library Fountain with the Lions Club, just to name a few projects. We provide scholarships to horticultural students, information and advice to gardeners of all levels, and hold an annual Garden Tour and fair which brings a lot of tourists to our community, and allows Amherstburg to show itself off as the beauty of Essex County that it is.

My primary reason for being here tonight is to offer a replacement tree for the Christmas Tree that was removed from the Parkette. Our Board has approved the purchase of a tree, and some board members have gone out to find suitable specimens. We have settled on a tree in the height range of 10 to 12 feet, and are looking for one with a lovely shape befitting it's anchor position of the River Lights program.

The previous tree was removed because of ill health due to poor soil conditions. Could the tree have lasted a while longer? Possibly, but I understand the economics of having machinery in the park, construction being completed, and for the sake of a couple of months, it wouldn't be wise to risk damaging the remodelling of the park and the costs associated with repairs that may be in order. I am not here to argue about whether the tree was healthy or not. But I am here to plead the case for the importance of that tree, and the need for it's replacement.

Some would argue that, especially at this time of year, it's no great loss to have the tree or trees removed, because look at what a lovely view of the river we have now.

Landscape design seems to me to be a lot like dating (and bear with me because it's been a long time!). When you are going on a date, you want to present yourself at your best, and show enough of yourself, both physically and personality wise, to make someone want to get to know you more, want to see more of you...

The point of the park, in my opinion, is not to make the river the stand out, single focal point to draw your attention. I think the landscaping should be lovely, and entice you to want to see more of what's in the park. Look at the river you can see through the trees - let's take a closer look, park the car, get an ice cream cone and go see what the navy yard and the Detroit River have to offer.

Our park and river should not be purely a drive-by sight. Both deserve more than that. Amherstburg is a significant historic community, and pivotal in the War of 1812. We need to be noticed and appreciated by the people that pass by. And we need to build on our beauty in preparation for the bicentennial of that period, where we can shine before all of Canada.

Tourism and Economic development are becoming crucial to this community. neither is well served by someone driving by, enjoying our lovely setting from their car windows on their way to Kingsville or Leamington. The local restaurants want people to stop, stroll through the park, have food at Duffy's or Caldwell's Grant, Riccardo's, Uncle Vito's, or indeed anywhere in town. I am a business owner, but I don't benefit directly from tourism. However, I know from my years as a director on the Chamber of Commerce, and in fact from my studies of economics at university, that the stores need people to get out of their cars and browse through. We cannot sustain our local businesses purely on local shoppers. We have the raw materials to be an enticing destination, but like my mother always told me, no one's going to buy the cow if you give the milk away for free! Make them get out to fully enjoy our park.

We need this also for the safety of our park. Local police officers have told me that the way to keep a park safe is to have it used by many people. This keeps the fringe environment out, because it is too public a place. We need music in the park, we need people strolling through, so that the park remains the jewel that it is! Landscaping needs to entice. Landscaping and trees and people walking through to get a closer view of the river will help local developers as well. If you are enjoying the park and it's view, how could you not be curious and envious of the inhabitants of the Salmoni building. A lovely park that draws people into it should encourage more people to buy the condos!

But the tree is more than just a tree, and more than just horticulture to me. It is about the town culture. The tree lighting, and having

the tree stand as a beacon of the Christmas season, is tremendously important to the children, and I believe the adult population as well. This tree of celebration needs to be where it has always been, at the foot of Richmond street, providing cheer and peace during the holiday season, and providing shade, an integral part of any town square, during the hot spring and summer months, while you sit and enjoy the fountain that this council is proudly adding to our park.

The horticultural society is donating this tree to be planted in the parkette somewhere visibly as part of the square's decor. I understand the soil quality may be a concern, but the last tree took many, many years to become ill, so I have faith in this tree lasting just as long. And the time to plant is perfect right now, while you are having to spend a lot of time and money ensuring that all the current plants, bushes and trees are getting all the care they need in their first few months.

Please consider our offer. Our Society has a board that wants to add significant value to this community. The town has a new Horticulturist on board, a new Parks Committee assembled, and a new acting CAO. As a board, we look forward to getting to know these individuals, work together to determine the right projects, and the right method to go about them. Please accept our offer of this tree as a first step on that path.

Respectfully submitted,

Nancy Greenaway



①

DELEGATION # 3
Reverend E.P. Gattfield
Page 1 of 4

Your ~~W~~orship and Council:

It is a pleasure for me to be here. The last time was in 1945, when you presented me with this beautiful engraved silver cigarette lighter in recognition of my service in the Royal Canadian Air Force in World War II.

It is important to me that I give you some back ground.

I was born on Dalhousie St. in the house now occupied by Mason Greenaway and delivered By Dr. Oscar Teeter on October 4, 1921.

YES, I BELONG HERE!

The land I now live on has been ~~in~~ ^{ours for} for over 100 years.

My grandfather, a former mayor of Amherstburg bought this property and lived there until his sudden death while in office.

So, why am I here? To help you make a decision about my town.

I grew up with coal piles, snakes, frogs and all kinds of wild things along the beautiful Detroit River.

We put on our bathing suits when school ended in June and took them off when school started again.

We were happy and healthy children!

It's now changed. - We have a beautiful passive park.

But do we have to rid ourselves of ~~the~~ ^{this} past?

Can we not build on it and still leave
Amherstburg - Amherstburg?

We are the land of plenty and where freedom
reigns. Let us be careful with our responsibility.
Can we not live with our trees and bushes and
still grow?

I have lived in the land of Fountains. They are
beautiful. I have traveled through Europe and
living in Rome, a place of marble and stone, and
fountains and very few trees. Infact, no trees in
parts.

It was a treat for me to return home to my land
of lakes and trees. Both places were beautiful.

Don't Destroy - Build
We have owned 186 Dalhousie for over 100 years.

About 60 years ago, when it came time to replace
the original home, it was agreed to make two houses
out of it.

One part of that home is on Balaclava St. and the was owned by the Cantelon Family. The other half is on Matchette Rd. in LaSalle, owned by the Renaud Family. They both still stand today.

When my mother built the present 186 Dalhousie home, she hired Mr. Braun as the architect. when the plans were presented to her - she said "Mr. Braun, where is the maple tree"? Mr. Braun replied "I will have to cut it down". "No, Mr. Braun, you will not cut down a beautiful tree. It takes years to make a tree of that size. Take your plans home and redesign them. The tree still today at the side door of 186 Dalhousie 60 years later.

Please stop by and see it.

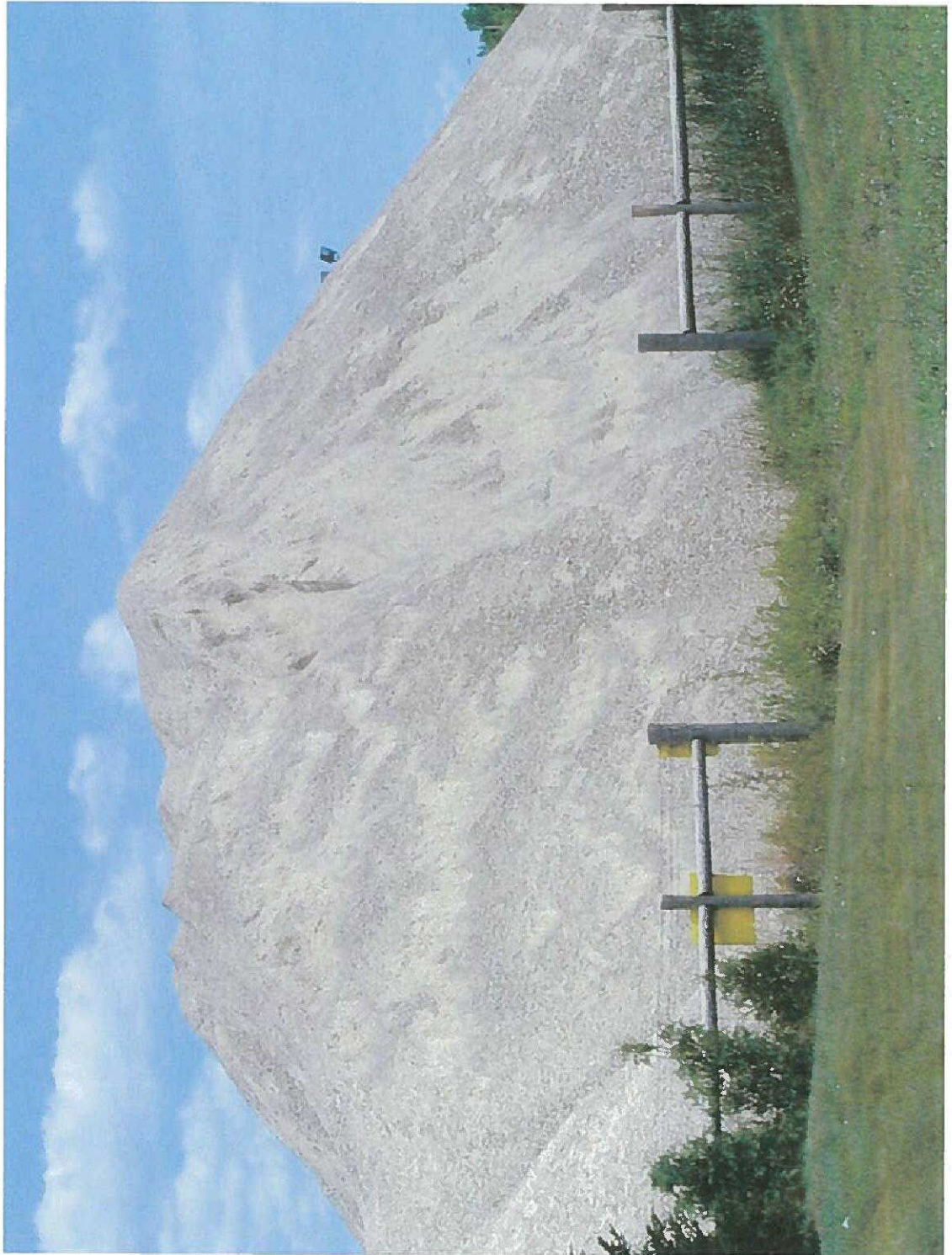
I think what I'm saying is - Be Careful - I know

*trees & fountains don't go together but Canada has to be Canada
and our beloved Amherstburg must ^{be} stay Amherstburg.*

Additional Privacy Fencing Part Of Lot 3 Behind the Walmart Project

**443 & 449 Dalhousie Street Amherstburg
Owners: David Low and Jane Teeple**

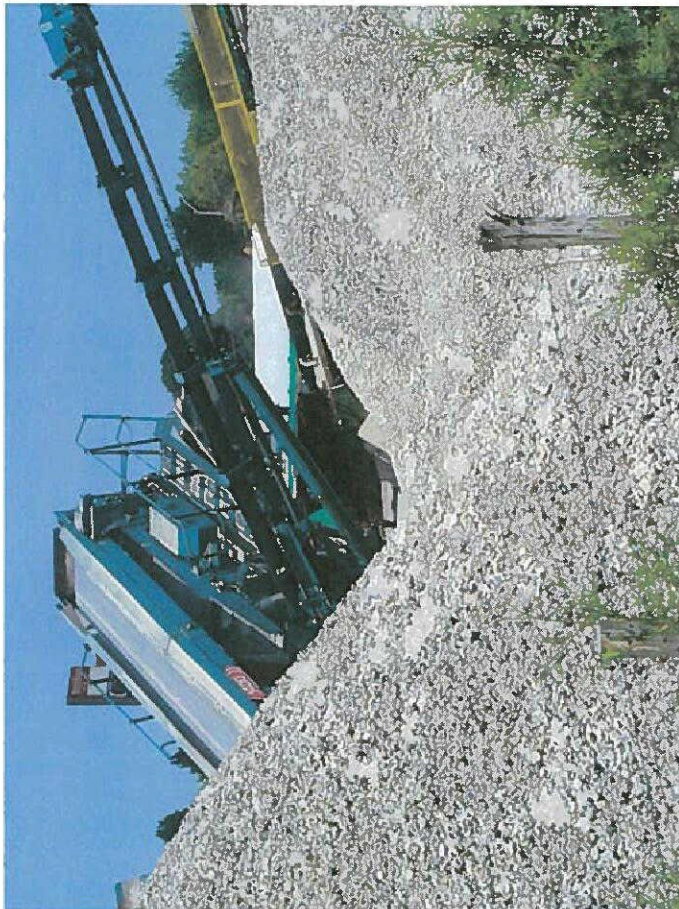
Below shows what I had to live with while the Walmart was being built. They crushed all the broken pavement right beside my fence line and caused property damage



When they were crushing the stone they had no respect for my property as you can see. My grass was killed my fence damaged and I lost a christmas tree because of all the dust that was generated.



**Below shows the crushing of the stone beside my property.
Some of the re-bar that was embedded in the concrete
ended up in my yard and I lost two lawn mower blades
because of it.**



All the crushed stone came spilling through my fence and killed my grass and damaged my fence. All the dust generated from the crushing of the stone killed one of my christmas trees. Below are the pictures.



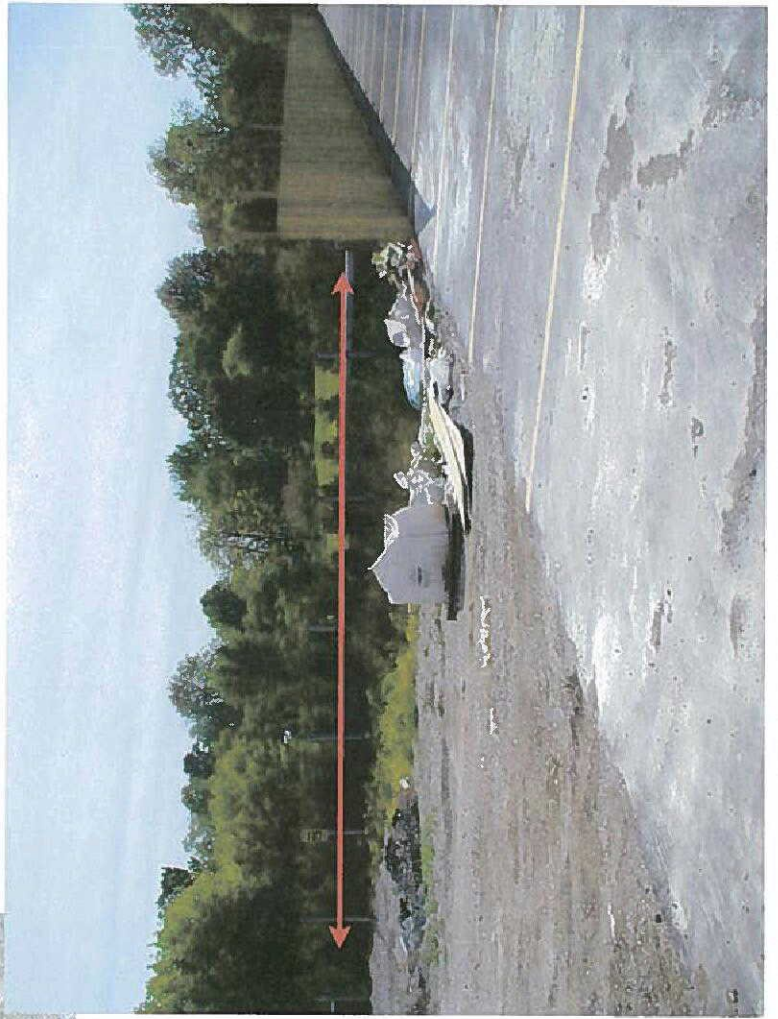
A fence was built in front of my old fence and they left all their stone and garbage behind for me to clean up. My old fence has been damaged from the piles of stone and my grass is dead along the fence.





This is the area I would like to see additional fencing added. My neighbor and I were lead to believe the fencing would be added during the early stages of the Walmart development privacy

This is my back yard that is open to truck/car traffic. I would like to see the same privacy fencing added so my family and I do not have to deal with the truck/car traffic coming and going from Walmart. My neighbor and I are experiencing thefts from our yards since the development. Their are kids constantly coming on our properties and taking things





This is the area my neighbor would like to have additional fencing added. This is open to Walmart and Total fitness traffic. My neighbor's fence is now only three feet high because of the gravel and pavement that was added for the parking lot. Kids are constantly going in her yard and taking things