



# City of Barrie

70 Collier Street  
P.O. Box 400  
Barrie, ON L4M 4T5

## Minutes - Final City Council

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Wednesday, June 12, 2019

6:00 PM

Council Chamber

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### **SPECIAL CITY COUNCIL MEETING Carryover from June 3, 2019 City Council Meeting**

#### **CALLING TO ORDER BY THE CITY CLERK, WENDY COOKE**

The meeting was called to order by the City Clerk at 6:06 p.m. The following were in attendance for the meeting:

**Present:** 11 - Mayor, J. Lehman  
Deputy Mayor, B. Ward  
Councillor, C. Riepma  
Councillor, K. Aylwin  
Councillor, D. Shipley  
Councillor, R. Thomson  
Councillor, N. Harris  
Councillor, G. Harvey  
Councillor, J. Harris  
Councillor, S. Morales  
Councillor, M. McCann

#### **STAFF:**

Acting Deputy City Clerk, T. McArthur  
Chief Administrative Officer, M. Prowse  
City Clerk/Director of Legislative and Court Services, W. Cooke  
Director of Engineering, B. Araniyasundaran  
Director of Finance/Treasurer, C. Millar  
Executive Director of Access Barrie, R. James-Reid  
Executive Director of Innovate Barrie, R. Bunn  
Executive Director of Invest Barrie, Z. Lifshiz  
General Manager of Community and Corporate Services, D. McAlpine  
General Manager of Infrastructure and Growth Management, A. Miller  
Manager of Enforcement Services, T. Banting  
Supervisor of Enforcement Services, J. Forgrave  
Senior Manager of Corporate Finance and Investments, J. Cowles.

**PLAYING OF THE NATIONAL ANTHEM**

The National Anthem was played.

**READING OF LAND ACKNOWLEDGMENT**

Mayor J. Lehman read the Land Acknowledgement.

**DEFERRED BUSINESS****SECTION "D" - Adoption of this Section**

Moved by: Councillor, D. Shipley

Seconded by: Councillor, K. Aylwin

That Section "D" of the Second General Committee Report dated May 27, 2019, now circulated, be adopted.

**19-G-169**

DEVELOPMENT CHARGE BACKGROUND STUDY AND DEVELOPMENT CHARGES BY-LAW (19-G-169)

**AMENDMENT #1**

Moved by: Councillor, M. McCann

Seconded by: Councillor, S. Morales

That motion 19-G-169 of Section "D" of the Second General Committee Report dated May 27, 2019 concerning the Development Charge Background Study and Development Charges By-law be amended as follows:

- a) That Paragraph 1 be amended by adding the words "and the Addendum #1 to the Background Study dated May 31, 2019 and attached as Appendix "A" to the memorandum dated June 12, 2019.";
- b) Replacing the words "Appendix "G" to Staff Report FIN013-19" with "within Appendix "A" to the memorandum dated June 12, 2019" in paragraph 2;
- c) Deleting the uses "Concrete Ready Mix Plant" and "Excavation and Processing of Mineral Aggregate Resources" from the list of uses that would receive temporary discretionary discounts in paragraph 2 b); and
- d) Adding the uses "Warehousing in wholly enclosed buildings excluding self-storage", "Custom Workshop", "Office (medical)", "Trade Centre", and "Industrial School", to the list of uses that would receive temporary discretionary discounts in paragraph 2 b).

**AMENDMENT TO AMENDMENT #1**

Moved by: Councillor, K. Aylwin

Seconded by: Councillor, D. Shipley

That Amendment #1 be further amended by deleting the word “warehousing” in wholly enclosed buildings excluding self-storage.

**LOST**

**Upon the question of adoption of Amendment #1 moved by Councillor, M. McCann and seconded by Councillor, S. Morales, it was CARRIED.**

**AMENDMENT #2**

Moved by: Councillor, N. Harris

Seconded by: Councillor, J. Harris

That motion 19-G-169 of Section “D” of the Second General Committee Report dated May 27, 2019 concerning the Development Charge Background Study and Development Charges By-law be amended as follows:

- a) By deleting the references in paragraphs 2 and 3 to the word “Temporary”;
- b) By deleting the words after “Data Processing Centre” in paragraph 2 b); and
- c) By adding the words “for the first 1.5 million square feet of space constructed for the targeted uses, within the life of the by-law” after the words Data Processing Centre” in 2 b).

**CARRIED**

Upon the question of the original motion moved by Councillor, D. Shipley and seconded by Councillor, K. Aylwin, the motion **AS AMENDED BY AMENDMENT #1 AND AMENDMENT #2**, the vote was taken as follows:

**Yes:** 10 - Mayor, J. Lehman  
Deputy Mayor, B. Ward  
Councillor, C. Riepma  
Councillor, K. Aylwin  
Councillor, D. Shipley  
Councillor, R. Thomson  
Councillor, N. Harris  
Councillor, J. Harris  
Councillor, S. Morales  
Councillor, M. McCann

**Absent:** 1 - Councillor, G. Harvey

CARRIED

**SECTION "E" - Adoption of this Section**

Moved by: Councillor, D. Shipley

Seconded by: Councillor, K. Aylwin

That Section "E" of the Second General Committee Meeting dated May 27, 2019, be adopted.

**19-G-170**

OPTIONS FOR PROVIDING INCENTIVE PROGRAMS WITHIN A  
COMMUNITY IMPROVEMENT PLAN PROCESS TO INCENTIVIZE  
DEVELOPMENT PRIORITIES

**AMENDMENT #1**

Moved by: Councillor, D. Shipley

Seconded by: Councillor, K. Aylwin

That motion 19-G-170 of Section "E" of the Second General Committee Report dated May 27, 2019 concerning the options for providing incentive programs within a Community Improvement Plan process to Incentivize Development Priorities be amended as follows:

- a) By deleting the words after the word "priorities" in paragraph 1;
- b) By adding the words "for affordable housing and development within the Urban Growth Centre only" to the end of the sentence in paragraph 2; and
- c) By deleting the words after Urban Growth Centre in paragraph 3.

CARRIED

Upon the question of the original motion moved by Councillor D. Shipley and seconded by Councillor, K. Aylwin, the motion **CARRIED AS AMENDED BY AMENDMENT #1.**

**Councillor, S. Morales declared a potential pecuniary interest on the foregoing matter as he may be eligible to participate in the incentive programs under Community Improvement Plan as part of his personal business dealings. He did not participate in the discussion or vote on the matter. He remained at his Chair at the Council table.**

Pursuant to Procedural By law 2013-072, as amended, Section 4, Subsection 10, the order of business was altered such that the Reconsideration of motion 19-G-153 - Request for an Exemption from Sign By-law 2018-029 for PMT18-01600 (Building Permit Application) 335 Bayfield Street, Deputation by Patrick Harrington on behalf of Patterson Outdoor regarding motion 19-G-153 - Request for an Exemption from Sign By-law 2018-029 for PMT18-01600 (Building Permit Application) 335 Bayfield Street and motion 19-G-153 - Request for an Exemption from Sign By-law 2018-029 for PMT18-01600 (Building Permit Application) 335 Bayfield Street, were considered prior to the Deputations regarding motion 19-G-172, Report of the Integrity Commissioner dated May 22, 2019.

**19-A-078**

**Councillor, S. Morales declared a potential pecuniary interest on the following matter, as he utilizes the services of Pattison Outdoor to produce advertisements for him in another area of the City. He did not discuss or vote on the matter. He remained at his seat at the Council table.**

**Councillor, M. McCann declared a potential pecuniary interest on the following matter, as he utilizes the services of Pattison Outdoor to produce advertisements for him in the vicinity of 335 Bayfield Street. He did not discuss or vote on the matter. He remained at this seat at the Council table.**

**RECONSIDERATION OF MOTION 19-G-153 - REQUEST FOR EXEMPTION FROM SIGN BY-LAW 2018-029 FOR PMT18-01600 (BUILDING PERMIT APPLICATION) - 335 BAYFIELD STREET (WARD 3)**

Moved by: Deputy Mayor, B. Ward  
Seconded by: Mayor, J. Lehman

That pursuant to Section 8.15 of the Procedural By-law 2013-072, permission be granted to reconsider motion 19-G-153 of Section "B" of the First General Committee Report dated May 27, 2019, concerning a Request for Exemption from Sign By-law 2018-029 for PMT18-01600 (Building Permit Application) - 335 Bayfield Street (Ward 3).

CARRIED

**19-A-074****DEPUTATION BY PATRICK HARRINGTON ON BEHALF OF PATTISON OUTDOOR REGARDING MOTION 19-G-153, REQUEST FOR AN EXEMPTION FROM SIGN BY-LAW 2018-029 FOR PMT18-01600 (BUILDING PERMIT APPLICATION) 335 BAYFIELD STREET**

Patrick Harrington of Aird & Berlis LLP provided a Deputation on behalf of Pattison Outdoor concerning a request for an exemption to Sign By-law 2018-029, section 12.1.4.1.5 to permit a poster panel sign for the property municipally known as 335 Bayfield Street, Barrie.

Mr. Harrington discussed slides concerning the following topics:

- The background associated with the Application for a ground sign/poster panel sign;
- An aerial photograph illustrating the location of 335 Bayfield Street and the surrounding area;
- The required setbacks for a poster panel sign identified in the Sign By-law in relation to the Application;
- The Sign By-law definition of a poster panel sign;
- An aerial photograph illustrating City staff's position related to setback from roof signs;
- The Sign By-law definition of prohibited signs;
- City staff's position associated with the classification of roof signs;
- Provisions of the Sign By-law associated with poster panel signs;
- The definition of minor variance in the Sign by-law and how the deputant believes it applies to the application; and
- A summary of the Application the deputant believes and the request for an exemption.

Members of Council asked questions to City staff and received responses.

**Councillor, S. Morales declared a potential pecuniary interest on the foregoing matter, as he utilizes the services of Pattison Outdoor to produce advertisements for him in another area of the City. He did not discuss or vote on the matter. He remained at his seat at the Council table.**

**Councillor, M. McCann declared a potential pecuniary interest on the foregoing matter, as he utilizes the services of Pattison Outdoor to produce advertisements for him in the vicinity of 335 Bayfield Street. He did not discuss or vote on the matter. He remained at this seat at the Council table.**

**SECTION "B" - Adoption of this Section**

Moved by: Councillor, B. Ward

Seconded by: Councillor, R. Thomson

That motion 19-G-153 of Section "B" of the First General Committee Report dated May 27, 2019 be adopted.

**19-G-153      REQUEST FOR EXEMPTION FROM SIGN BY-LAW 2018-029 FOR  
PMT18-01600 (BUILDING PERMIT APPLICATION) - 335 BAYFIELD  
STREET (WARD 3) (19-G-153) (subject to request for reconsideration  
being approved)**

That the exemption request from Aird & Berlis LLP acting on behalf of Pattison Outdoor to Sign By-law 2018-029, section 12.1.4.1.5 to permit a poster panel sign with two digital displays to be erected with a maximum setback of 200.0 metres from another poster panel sign to the north and a maximum setback of 60.0 metres from another poster panel sign to the south located on the same side of the street, whereas the prescribed setback in By-law 2018-028 is 500.0 metres, at the property municipally known as 335 Bayfield Street, Barrie, be denied. (LCS011-19) (File: P22)

CARRIED

**19-A-080      Councillor K. Aylwin declared a potential pecuniary interest on the  
following matter as the report of the Integrity Commissioner concerns  
him. He did not participate or vote on the matter. He left his Chair at  
the Council table, but remained in the Council Chamber.**

**Councillor, D. Shipley declared a potential conflict of interest on the following matter, as he is representative of the Progressive Conservative Party for Barrie-Spring-Water-Oro-Medonte. He did not participate or vote on the matter. He left the Council Meeting.**

Pursuant to Section 4 (16) of Procedural By-law 2013-072, Council considered additional emergency deputation requests by Bonnie North, Darren Roskam, Hillary Chase, Edward Moll, Tanya Lynn Hobson, and Morgan Cope in opposition to motion 19-G-172, Report of the Integrity Commissioner dated May 22, 2019. Upon a vote of Council being taken the additional emergency deputations were not permitted to address City Council.

Deputations regarding motion 19-G-172, Report of the Integrity Commissioner dated May 22, 2019 by the following:

1. Victoria Butler expressed her disappointment and frustration concerning the Council's decision to not permit the additional Emergency Deputations to address Council concerning the Report of the Integrity Commissioner. She provided details concerning her

experiences of growing up in Barrie, and the society she lives in today. She commented on the changes in diversity and safety within the City. Ms. Butler discussed her views concerning Councillor Aylwin's Facebook post associated to racism, white supremacists, and hate crimes. She advised that she felt that Councillor Aylwin's post in no way implied that the two Members of Parliament (MP) were racist and that she felt his intention was for them not to stay silent on these issues facing society and that the MPs had misinterpreted the post. Ms. Butler noted her concerns with certain members of Council having personal ties to one of the MPs and indicated that she felt that they should have removed themselves from the discussion of this item as she felt that there would be a bias. Ms. Butler advised that Barrie is changing and becoming a more diverse City and she felt that society won't be able to grow if we don't support and take a stand against hatred. Ms. Butler asked that Council to make the right decision for the City and take a look at the bigger picture and the future of the City. She noted as she believes that and we need to stand up to hate and implored Council to rethink the recommendation of General Committee on this matter.

2. Adam Ballah discussed his opinions concerning the quality of the Integrity Commissioner's Report. He specifically referred where he felt that Ms. Craig erred in the interpretation of sections 5 and 20 of the Code of Conduct concerning whether or not an MP can be defined as members of the public. He noted that he felt sections 5 and 20 did not apply to the statements made by Councillor Aylwin on his Facebook post and questioned the Integrity Commissioner's rationale in the report. Mr. Ballah addressed his concerns associated with a statement made by MP Brassard thanking members of Council for their support prior to the Council's decision on the matters. He asked that Council reconsider their position on this matter.
3. Dr. Anita Arvast advised that she felt that there was an incredible bipartisanship going on. She commented that in her opinion the Facebook post did not say the MPs were racists or white supremacists, only that the MPs were silent on the matter. Dr. Arvast noted that she felt that there has been a tight timeline for Councillor Aylwin to manage the defamation suit and respond to the Integrity Commissioner's Report. Dr. Arvast mentioned that Councillor Aylwin was willing to meet with MP Brassard to try and work out a solution, but that MP Brassard refused to meet with him. Dr. Arvast discussed her concerns related the perception associated with the partisan conflicts with the MPs. She suggested that Council seek legal counsel prior to approving a reprimand.
4. Donna Douglas noted that she has had interactions with MPs Nuttall and Brassard as well as Councillor Aylwin and has no axe to grind. She expressed her concerns surrounding this matter and that it has proven to be an unfortunate process. She advised of her personal



experiences growing up and she noted that she had people to look up to that allowed her to grow and excel to become the person she is today. Ms. Douglas noted that in this situation Council should consider pulling together and provided an example of the community coming together when the tornado ripped through Barrie. Ms. Douglas asked that Council put aside political opinion and noted that our city will be better for it.

5. Sheetal Rawal advised she is a lawyer, acting on her own behalf, and that she is not providing legal advice on this matter. She noted that this matter could be subject to a judicial review so that this process should be dealt fairly and responsibly. Ms. Rawal discussed her views on what the role and the function of the Integrity Commissioner should be. She spoke about bias and conflict of interest related to a May 23, 2019 press release by the complainant. Ms. Rawal commented that in her opinion the Integrity Commissioner's position was based on the wrong interpretation of who are members of the public. She noted that Members of Parliament should not be considered as members of the public as they are elected officials. Ms. Rawal noted that she felt the Integrity Commissioner's Report is unhelpful and limited to the rules within the Code of Conduct. She commented that she felt that there needs to be reasonable limits associated with the Charter of Rights and Freedom for people to speak freely and noted that this should be safe guarded. Ms. Rawal noted that Council should proceed with caution on this matter. She indicated that she did not accept the findings of the Report.
6. Mayor Lehman called upon Michael Speers to provide a deputation. Michael Speers was not present to provide the deputation.
7. Louise Gravelle, advised that she read the Integrity Commissioner's Report. She indicated that she felt that MPs Brassard and Nuttall have lend their power to silence to Councillor Aylwin. She noted that she has issues with the interpretation contained within the Integrity Commissioner's Report concerning of the breaches the Code. She questioned the reference in the Code of Conduct concerning a member of public and commented that she felt that it does not apply to MP Brassard. Ms. Gravelle commented that she does not believe the post was accusatory towards the MPs and that Councillor Aylwin was only suggesting to them to not stay silent on the matter. She raised concerns associated with two member of Council vying for MP position. She commented that it comes down to the interpretation of content of the Integrity Commissioner's Report, and noted that in her mind this situation should never had reach the point where it is today.
8. Bernie Farber provided a background on the Canadian Anti-Hate Network noting it is an independent, nonprofit organization made up of Canada's leading experts and researchers on hate groups and hate crimes. He praised Councillor Aylwin for taking a stand in

challenging leaders to speak out about these types of issues in times like these. Mr. Farber provided details on other experiences that he had through the Network. He noted that this is not a political issue but that he felt that is a matter of defending our fellow Canadians. He commented that the MP should have engaged with Councillor Aylwin directly. Mr. Farber requested members of Council to speak out for the well-being of the vulnerable and to engage in a dialogue, as silence is no longer an option.

9. Mohammed Hashim on behalf of Urban Alliance on Race Relations provided his opinions on the issues ahead ourselves as a Canadian Nation and the need to stand together. He commented on the unfortunate fact that we live in a dangerous time and we need to stand united. Mr. Hashim discussed that he felt that the two items from the post were misinterpreted and determined to be hateful. He discussed his personal experiences as a result of the New Zealand Massacre and the memories that still stay with him today. He advised that he has seen violence and that he was concerned that it is happening in his own native land. Mr. Hashim discussed the need for politicians to speak up to be heard. He commented on his understanding of MP Brassard's point of view and he felt that the post must have meant something to MP Brassard to cause him to feel the way he did. He expressed his opinions associated for the need for better stability in politics and acknowledged that is why there is Code Conduct. Mr. Hashim provided his comments associated with Council approving the reprimand based on the Integrity Commissioner's Report and he acknowledged that either decision is a lose-lose discussion that will set the tone. He discussed the impact that this matter has had on the community. He asked that members of Council defer consideration of the Report to give to him time to work with the parties to find a solution.

**SECTION "F" - Receipt of this Section**

Moved by: Councillor, B. Ward  
Seconded by: Councillor, R. Thomson

That Section "F" of the Second General Committee Report dated May 27, 2019, now circulated, be received.

**19-G-171** REPORT OF THE INTEGRITY COMMISSIONER DATED MAY 22, 2019

Councillor K. Aylwin declared a potential pecuniary interest on the foregoing matter as the report of the Integrity Commissioner concerns him. He did not participate or vote on the matter. He left his Chair at the Council table, but remained in the Council Chamber.

Councillor, D. Shipley declared a potential conflict of interest on the foregoing matter, as he is representative of the Progressive Conservative Party for Barrie-Spring-Water-Oro-Medonte. He did not participate or vote on the matter. He left the Council Meeting.

CARRIED

**SECTION "G" - Adoption of this Section**

Moved by: Councillor, B. Ward  
Seconded by: Councillor, R. Thomson

That Section "G" of the Second General Committee Report dated May 27, 2019, now circulated, be adopted.

**19-G-172** REPORT OF THE INTEGRITY COMMISSIONER DATED MAY 22, 2019

Councillor K. Aylwin declared a potential pecuniary interest on the following matter as the report of the Integrity Commissioner concerns him. He did not participate or vote on the matter. He left his Chair at the Council table, but remained in the Council Chamber.

Councillor, D. Shipley declared a potential conflict of interest on the following matter, as he is representative of the Progressive Conservative Party for Barrie-Spring-Water-Oro-Medonte. He did not participate or vote on the matter. He left the Council Meeting.

**AMENDMENT #1**

Moved by: Councillor G. Harvey  
Seconded by: Councillor, McCann

That motion 19-G-172 of Section "G" of the Second General Committee Report dated May 27, 2019 concerning the Report of the Integrity Commissioner dated May 22, 2019 be amended as follows:

By adding the following words to the end of paragraph 3:

"from any and all Facebook profiles, pages and other social media in the name of Keenan Aylwin before June 14, 2019 at 5:00 p.m."

Upon the question of **AMENDMENT #1** moved by Councillor, G. Harvey and seconded by Councillor M. McCann, the vote was taken as follows:

**Yes: 7 -** Councillor, C. Riepma  
Councillor, R. Thomson  
Councillor, N. Harris  
Councillor G. Harvey  
Councillor, J. Harris  
Councillor S. Morales  
Councillor, M. McCann

**No: 2-** Mayor, J. Lehman  
Deputy Mayor, B. Ward

**CARRIED**

Upon the question of the adoption of the original motion moved by Deputy Mayor, B. Ward and seconded by Councillor, R. Thomson, the motion **AS AMENDED BY AMENDMENT #1** the vote was taken as follows:

**Yes: 9 -** Mayor, J. Lehman  
Deputy Mayor, B. Ward  
Councillor, C. Riepma  
Councillor, R. Thomson  
Councillor, N. Harris  
Councillor, G. Harvey  
Councillor, J. Harris  
Councillor, S. Morales  
Councillor, M. McCann

**Excused: 2 -** Councillor, K. Aylwin  
Councillor, D. Shipley

CARRIED

**19-A-081****READING OF THE REPRIMAND**

The City Clerk pursuant to motion 19-G-172, read the following reprimand on behalf of the Members of Council:

1. The Council of The Corporation of the City of Barrie is committed to respect for and adherence to the policies and by-laws of the City, including the Council and Committee Member Code of Conduct which requires that individual Members of Council and Committees treat the public, staff and other Council Members with dignity, understanding and respect.
2. In respect of the Code of Conduct complaint investigation report of the Integrity Commissioner concerning the code of conduct complaint investigation report #0119, this Council strongly condemns the statements made on social media by Councillor Keenan Aylwin on March 21, 2019 about the Member of Parliament for Barrie-Innisfil and makes the following official statement
  - a) That following an investigation of the Integrity Commissioner of the City of Barrie, the Member was found to have displayed materials and transmitted communications that are inappropriate, offensive, insulting or derogatory.
  - b) That the investigation of the Integrity Commissioner found that the Member contravened the Council Code of Conduct by transmitting the communications, and
3. That this formal reprimand is being imposed on the Member for having made the communications pursuant to s. 223.4(5) of the *Municipal Act* and s. 27.3(a) of the City of Barrie Council and Committee Member Code of Conduct.

**ENQUIRIES**

Members of Council did not address any enquires to City staff.

**ANNOUNCEMENTS**

A Member of Council provided an announcement.

**CONFIRMATION BY-LAW**

Moved by: Deputy Mayor, B. Ward

Seconded by: Councillor, R. Thomson

That leave be granted to introduce the following Bill and this Bill be read a first, second and third time this day and finally passed:

**BY-LAW**  
**2019-048**

**Bill #048**

A By-law of The Corporation of the City of Barrie to confirm the proceedings of Council at its meeting held on 12th day of June, 2019.

CARRIED UNANIMOUSLY

**ADJOURNMENT**

Moved by: Councillor, M. McCann

Seconded by: Councillor, J. Harris

That the meeting be adjourned at 8:54 p.m.

CARRIED