

Minutes - Final
Finance and Corporate Services
Committee

Wednesday, March 19, 2014

6:30 PM

Council Chamber

For consideration by General Committee on March 31, 2014.

The meeting was called to order by Acting Chair, Councillor B. Ainsworth at 7:00 p.m. The following were in attendance for the meeting:

PRESENT:

Councillor, B. Ainsworth, Finance and Corporate Services Committee Acting Chairperson
Councillor, J. Brassard, Finance and Corporate Services Committee Member
Councillor, A. Nuttall, Finance and Corporate Services Committee Member
Councillor, A. Khan.

STAFF:

City Clerk, D. McAlpine
Deputy City Clerk, W. Cooke
Director of Legal Services, I. Peters
Manager of By-law Services, T. Banting
Municipal Law Enforcement Officer 1, J. Shaw
Municipal Prosecutor, S. Feeney
Supervisor, By-law Services, J. Forgrave
Supervisor, By-law Services, R. Osborne
Supervisor of Administrative Support Services, W. Sutherland.

ALSO PRESENT:

A. Lawrence, Ray's Driving School
J. McCarthy, McCarthy Driving School
C. Riesen, Freedom Driving School
T. Clark
M. Rudic

The Finance and Corporate Service Committee met and reports as follows:

SECTION "A"

OPEN DELEGATION - DRIVING SCHOOLS

Allan Lawrence, owner of Ray's Driving School provided an Open Delegation to Finance and Corporate Services Committee regarding the licensing of the driving schools within the City of Barrie. Mr. Lawrence noted the following concerns relating to the decline in business for long standing driving schools in Barrie:

- An increase in the number of Driving Schools operating in the City of Barrie since 2010
- A decrease in the number of students enrolled since 2010
- Driving school costs are not regulated

Mr. Lawrence provided background information related to the decline in business for Ray's Driving School, McCarthy Driving School and Freedom Driving School. He noted that he believes the concerns are directly related to the number of driving schools that are operating within the City of Barrie. Mr. Lawrence requested that the City limit the number of schools permitted to operate in Barrie.

The Committee members and Councillor in attendance asked a number of questions regarding the information provided as part of the Open Delegation and received responses from the presenter, Ms. J. McCarthy, owner of McCarthy Driving School and City staff.

The Committee members requested that Mr. Lawrence compile information on the driving school industry from comparator municipalities and provide it to the Committee for further consideration.

The Finance and Corporate Services Committee recessed at 7:22 p.m. and resumed at 7:25 p.m.

The Finance and Corporate Services Committee met at 7:25 p.m. for the purpose of conducting an appeal hearing pursuant to City of Barrie By-law 2006-265 (Transportation Industry) as follows:

Councillor Ainsworth advised the public that the purpose of the meeting was to conduct an appeal hearing pursuant to Barrie By-law 2006-265 (Transportation Industry) filed by T. Clark. Councillor Ainsworth confirmed with the Committee Secretary that notification was conducted in accordance with By-law 2006-265 for the hearing.

SECTION "B"

**APPEAL HEARING - BUSINESS LICENSING BY-LAW 2006-265 -
TRANSPORTATION INDUSTRY - TAXI CAB LICENCE**

Mr. S. Feeney identified himself to the Chair and explained he was acting on behalf of the Issuer of Licences for the City of Barrie.

Mr. T. Clark identified himself to the Chair and explained that he was representing himself.

Ms. T. Banting, Manager of By-law Services and Issuer of Licences was sworn in by W. Sutherland, Committee Secretary. Mr. Feeney presented evidence and examined T. Banting as a witness.

Mr. T. Clark was provided an opportunity to cross-examine Ms. Banting. Mr. Clark did not cross-examine Ms. Banting.

Mr. M. Rudic, was sworn in by W. Sutherland, Committee Secretary. Mr. Rudic presented evidence as a character reference for Mr. T. Clark with respect to the appeal.

Mr. T. Clark was provided an opportunity to ask questions to clarify any evidence provided by Mr. Rudic and he declined.

Mr. Feeney cross-examined Mr. M. Rudic with respect to the evidence that had been provided.

Mr. T. Clark advised that he did not have evidence to present relating to the appeal.

Members of the Committee requested and received clarification of the evidence provided on behalf of the Issuer of Licences and the Applicant.

Mr. Feeney provided closing statements on behalf of the Issuer of Licences.

Mr. Clark provided closing statements.

Members of the Committee requested and received further clarification of the evidence on behalf of the Applicant and Issuer of Licences, in response to the closing statements.

The Finance and Corporate Services Committee reports that upon adoption of the required procedural motion it met In-Camera at 8:17 p.m. in the Georgian Room to receive and discuss potential advice that would be subject to a confidential solicitor-client privilege with respect to the appeal hearing of Mr. T. Clark. The Committee members, City Clerk, Deputy City Clerk, and the Director of Legal Services were present in the Georgian Room for this portion of the meeting.

SECTION "C"

**CONFIDENTIAL SOLICITOR-CLIENT ADVICE MATTER - APPEAL
HEARING OF MR. T. CLARK**

That the motion contained within the confidential notes of the Finance and Corporate Services Committee dated March 19, 2014 concerning the content of a decision letter with respect to the appeal hearing of Mr. T. Clark, be received.

The Finance and Corporate Services Committee resumed in open session in the Council Chamber at 8:45 p.m.

The Finance and Corporate Services Committee met and reports as follows:

SECTION "D"

**APPEAL HEARING - BUSINESS LICENSING BY-LAW 2006-265 -
TRANSPORTATION INDUSTRY - SUBMITTED BY MR. T. CLARK**

I. Peters, Director of Legal Services advised that she was not asked any questions by members of the Committee while in the Georgian Room.

Councillor Ainsworth, Acting Chair of the Finance and Corporate Services Committee advised that the Committee had made a decision regarding the appeal submitted by Mr. T. Clark.

The appeal of By-law 2006-265 by Mr. T. Clark was granted subject to conditions in accordance with the decision letter to be issued to the Applicant.

The meeting adjourned at 8:49 p.m.

CHAIRMAN